

4066

BILL OF COMPLAINT

KATHRYN B. DANIEL
Complainant

VS.

JAMES L. DANIEL
Respondent

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

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

Your complainant, Kathryn B. Daniel, respectfully shows and represents unto this honorable court as follows:

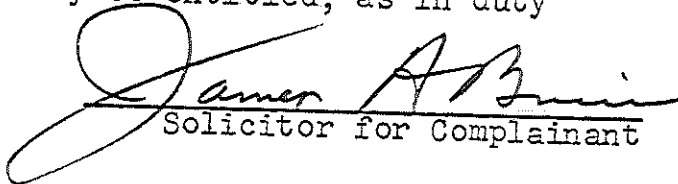
1. That your complainant is over the age of twenty-one years and is a bona fide resident of Baldwin County, Alabama, and has been such for more than one year next preceeding the filing of this complaint; that the respondent is over the age of twenty-one years and is a bona fide resident of Baldwin County, Alabama and has been such for more than one year next preceeding the filing of this complaint.

2. That your complainant and the respondent inter-married in Baldwin County, Alabama, on April 3, 1954, and ever since have been and are now husband and wife; that there is one child, the issue of said marriage, Pamela Kathryn Daniel, who is two years of age.

3. That your complainant and the respondent have entered into an agreement with reference to custody and control of the aforesaid minor child, and with reference to property rights, a copy of which is attached hereto and made a part hereof as though fully set forth herein.

4. Your complainant further avers that said respondent voluntarily abandoned your complainant, leaving her without support, for more than one year next preceeding the filing of this complaint, since which time complainant and respondent have not lived together nor in any way recognized each other as husband and wife.

THE PREMISES CONSIDERED, your complainant makes the said James L. Daniel a party respondent to this Bill of Complaint by the usual process of this honorable court, commanding him within the time and in the manner required by law to appear and plead, answer or demur to this her Bill of Complaint; and that upon a final hearing in this cause your Honor will make and enter a decree granting unto your complainant an absolute divorce from the respondent and approving the terms of the agreement hereto entered and attached as a part of this Bill of Complaint; and complainant further prays that your Honor will grant such other, further and general relief to which the complainant may be entitled, as in duty bound she would pray.


Solicitor for Complainant

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

KATHRYN B. DANIEL, Complainant

vs.

JAMES L. DANIEL, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Pro Confesso~~ on waiver and answer and Testimony as noted by the Register, and upon consideration thereof, the Court is of the opinion that the Complainant is entitled to the relief prayed for in said bill.

It is therefore ordered, adjudged and decreed by the Court that the bonds of matrimony heretofore existing between the Complainant and Defendant be, and the same are hereby dissolved, and that the said

KATHRYN B. DANIEL is forever divorced from the said JAMES L. DANIEL for and on account of abandonment.

The agreement of parties attached hereto as Exhibit "A" is hereby approved, and it is further ordered, adjudged and decreed by the court that both parties shall abide by the terms of said agreement which is incorporated in this decree. By and under the terms of said agreement the care, custody and control of the minor child of said marriage Pamela Kathryn Daniel is awarded to the complainant, subject to the right of respondent to visit said child at reasonable hours and places. The respondent shall pay to the complainant the sum of \$60 each and every month, beginning June 1, 1960, and continuing each month thereafter until said minor child attains the age of twenty-one years, said sums of money to be used for the support and maintenance of the said child.

It is further ordered, adjudged and decreed that neither party to this suit shall again marry except to each other until sixty days after the rendition of this decree, and that if appeal is taken within sixty days, neither party shall again marry except to each other during the pendency of said appeal.

It is futher ordered that the Complainant and Respondent be, and they are hereby permitted to again contract marriage upon payment of the cost of this suit.

It is further ordered that KATHRYN B. DANIEL the complainant pay the cost herein to be taxed, for which executed may issue.

This 24 day of June 1957

Hubert M. Hall

Judge Circuit Court, In Equity.

I, Register of the Circuit Court of Baldwin County, Alabama, do hereby certify that the foregoing is a correct copy of the original decree, rendered by the Judge of the Circuit Court in the above stated cause, which said decree is on file and enrolled in my office.

Witness my hand and seal this the day of 19

Register of Circuit Court, In Equity.

No. _____ Page _____

**THE STATE OF ALABAMA
BALDWIN COUNTY**

In Circuit Court, In Equity

KATHRYN B. DANTEL
Complainant

vs.

JAMES L. DANTEL

Respondent

DIVORCE DECREE

WAIVER AND ANSWER

KATHRYN B. DANIEL)
Complainant)
VS.)
JAMES L. DANIEL)
Respondent)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

Comes the respondent in the above styled cause and accepts service of a bill of complaint filed heretofore in said cause; waives notice of the filing of interrogatories in said cause, and the right to cross same; waives notice of the taking of testimony in said cause, and consents that the same may be taken and the cause submitted for final decree.

And for answer to the bill of complaint heretofore filed in this cause, respondent says:

1. He admits the allegations contained in paragraph 1 of said bill of complaint.
2. He admits the allegations contained in paragraph 2 of said bill of complaint.
3. He admits the allegations contained in paragraph 3 of said bill of complaint.
4. He denies each and every allegation contained in paragraph 4 of said bill of complaint and demands strict proof thereof.

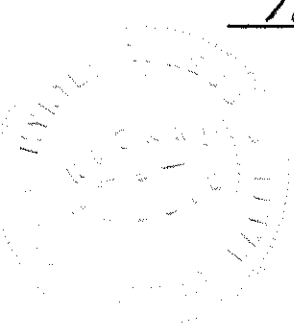
James L. Daniel
Respondent

STATE OF GEORGIA)
DE KALB COUNTY)

I, Margaret J. Ness, a Notary Public in and for said County and State, hereby certify that James L. Daniel, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal of office this the 18 day of June, 1957.

Margaret J. Ness
Notary Public
Notary Public, Georgia, State at Large
My Commission Expires Nov. 21, 1959



AGREEMENT OF PARTIES CONTEMPLATING A
DIVORCE WITH REFERENCE TO CUSTODY OF
CHILDREN AND PROPERTY RIGHTS

STATE OF ALABAMA)
BALDWIN COUNTY)

This agreement, made and entered into this 25th day of March, 1957, by and between James L. Daniel, hereinafter called husband, and Kathryn B. Daniel, hereinafter called wife, WITNESSETH:

That whereas, various and divers disputes and unhappy differences have arisen between husband and wife, and they are separated and not now living together as husband and wife, and whereas it is the desire of the parties hereto to make a complete and final settlement of all their property; and to settle and adjust all marital interests, now therefore, this agreement is made and entered into as follows:

1. The wife shall have the care, custody and control of the minor child, Pamela Kathryn Daniel. The husband shall have the right of reasonable visitation.

2. The husband shall pay to the wife the following sums of money for the support and maintenance of the minor child, to-wit: Sixty Dollars per month, beginning June 1, 1960, and continuing each month thereafter until said minor child attains the age of twenty-one years.

3. It is further agreed that any and all property acquired by either party subsequent to the date of this agreement shall be the separate property of the party acquiring same; and each party agrees to execute for the other any and all papers necessary to complete the transfer of property heretofore divided and apportioned. It is further agreed that the terms of this agreement may be incorporated in any decree of divorce which either may hereafter obtain, and enforce by contempt proceedings if necessary.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 25th day of MARCH, 1957.

James L. Daniel (L.S.)
James L. Daniel

Kathryn B. Daniel (L.S.)
Kathryn B. Daniel

STATE OF GEORGIA)
DE KALB COUNTY)

I, Monte J. Ness, a Notary Public in and for said County and State, hereby certify that James L. Daniel, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day, that being in-

formed of the contents of the instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal of office this the 14 day of June, 1957.


Mentel D. Ness
Notary Public

Notary Public, Georgia, State at Large
My Commission Expires Nov. 21, 1959

STATE OF ALABAMA)
BALDWIN COUNTY

I, James A. Brown, a Notary Public in and for said County and State, hereby certify that Kathryn B. Daniel, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal of office this the 22 day of June, 1957.

James A. Brown
Notary Public

KATHRYN B. DANIEL

Complainant

vs.

JAMES L. DANIEL

Respondent

THE STATE OF ALABAMA

Baldwin County

IN EQUITY

Circuit Court of Baldwin County

This cause is submitted in behalf of Complainant upon the original Bill of Complaint, and testimony by deposition

and in behalf of Defendant upon waiver and answer

James A. Brinn
Solicitor for Complainant

Wesley J. Hester
Register.

No. 40,612.....

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

KATHRYN B. DANIEL

Complainant

vs.

JAMES L. DANIEL

Respondent

NOTE OF TESTIMONY

Filed in Open Court this
day of , 194.....

FILED
JUN 22 1957
ALICE J. BECK, Register

Register.

THE STATE OF ALABAMA }
Baldwin County }

Circuit Court of Baldwin County, Alabama,
(In Equity)

Kathryn B. Daniel COMPLAINANT

vs.

James L. Daniel RESPONDENT

I, Sarah E. Sammons

as Register and Commissioner

have called and caused to come before me Kathryn B. Daniel and S.F. Parker,
Jr.

witness es named in the requirement for Oral Examination, on the _____ day of _____
194____, at the office of James A. Brice, Attorney at Law

in Foley, Alabama, and having first sworn said witness es to speak the
truth, the whole truth, and nothing but the truth, the said witnesses upon oath

doth depose and say as follows:

Kathryn B. Daniel, deposes and says as follows: My name is Kathryn B. Daniel; I am over the age of twenty-one years and am a bona fide resident of Baldwin County, Alabama, and I have been a bona fide resident of Baldwin County, Alabama for more than one year before the date of the execution of this deposition; James L. Daniel is over the age of twenty-one years and is a bona fide resident of Baldwin County, Alabama and has been such for more than one year before the date of the execution of this deposition; James L. Daniel and your deponent, Kathryn B. Daniel, were married at Foley, Baldwin County, Alabama, on April 3, 1954; we are still legally married; there has been one child, Pamela Kathryn Daniel, who is the issue of our marriage; she is now 2 years old; on or about the 16th day of September, 1955; my husband, James L. Daniel, without any reason or justification, separated from and abandoned me and our infant daughter; he has not contributed to our support in any way, nor have we lived together as husband and wife since the date of our separation.

Further deponent saith not.

Kathryn B. Daniel

S.F. Parker, Jr. doth depose and say as follows: That his name is S.F. Parker, Jr., that he is a resident of Baldwin County, Alabama, that he knows and has known Kathryn B. Daniel and James L. Daniel since their marriage on April 3, 1954, and that to the best of his knowledge, information and belief they are still husband and wife; that there was one child born of said marriage, Pamela Kathryn Daniel, who is in the custody of Kathryn B. Daniel; that on or about the 16th day of September, 1955, the said James L. Daniel, without justification being known to your deponent, did separate

I, Sarah E. Sammons 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 es and read over to them and they signed the same in the presence of myself and James A. Brice at the time and place herein mentioned; that I have personal knowledge of personal identity of said witnesses or had proof made before me of the identity of said witnesses; 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 19th day of June 1957.

Sarah E. Sammons (L. S.)

No. 426 Page _____

**THE STATE OF ALABAMA,
BALDWIN COUNTY**

IN CIRCUIT COURT, IN EQUITY

Kathryn B. Daniel

COMPLAINANT

vs.

James L. Daniel

RESPONDENT

ORAL DEPOSITION

Filed FILLED, 1957

JUN 24 1957

, Register.

ALICE I. WICK, REGISTER

Record

Vol. _____ Page _____

Register

THE STATE OF ALABAMA

Baldwin County

Circuit Court

TO: Sarah E. Sammons

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 Kathryn B. Daniel and S.F. Parker, Jr.

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

is, Complainant and James L. Daniel

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

Witness 19 day of June, 1957

Deirdre J. Luck Register.

Commissioner's Fee, \$

Witness' Fees, \$

No. 4066

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

Kathryn B. Daniel

Complainant

VS.

James L. Daniel

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

Sarah E. Sammons

WITNESSES:

Kathryn B. Daniel

S.F. Parker, Jr.

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