

4830

DIVORCE DECREE

MOORE PRINTING COMPANY - SAY MINETTE, ALA.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

LOIS NORMA HURLBERT, Complainant

vs.

HARVEY ARNOLD HURLBERT, Respondent

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

It is therefore ordered, adjudged and decreed by the Court that the bonds of matrimony heretofore existing between the Complainant and Defendant be, and the same are hereby dissolved, and that the said LOIS NORMA HURLBERT is forever divorced from the said HARVEY ARNOLD HURLBERT for and on account of

CRUELTY

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Respondent pay to the Complainant the sum of Fifteen (\$15.00) per week for the support of the Patrica Ann Hurlbert,

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Complainant be and she is hereby awarded the care custody and control of Patrica Ann Hurlbert, with the right of reasonable visitation by the respondent.

It is futher 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 futher ordered that LOIS NORMA HURLBERT the Complainant pay the cost herein to be taxed, for which executed may issue.

This 21st day of July 1951 [Signature] 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. 4330 Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

In Circuit Court, In Equity

Complainant

vs.

Respondent

DIVORCE DECREE

FILED

MAY 21 1958

ALICE J. DUCK, Register

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA
Baldwin County

Circuit Court

TO: Ophelia J. Quinley

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 Lois Norma Hurlbert and Mrs. Dolly Dawson

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

Lois Norma Hurlbert , Complainant

and

Harvey Arnold Hurlbert Respondent

on oath, to be by you administered, upon Lois Norma Hurlbert & Mrs. Dolly Dawson to take and certify the deposition of the witnesses and return the same to our Court, with all convenient speed, under your hand.

Witness 15 day of

July

, 1958

Alvin J. Hurlbert
Register.

Commissioner's Fee, \$

Witness' Fees, \$

No. 4330

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

LOIS NORMA HURLBERT

Complainant

VS.

HARVEY ARNOLD HURLBERT

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

Ophelia J. Quinley

FILED

WITNESSES: 1958

Lois Norma Hurlbert

Dolly Dawson ALICE J. DECK, Register

THE STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court of Baldwin County, Alabama
(In Equity)

LOIS NORMA HURLBERT

COMPLAINANT

vs.

HARVEY ARNOLD HURLBERT

RESPONDENT

I, Ophelia J. Quinley

as Register and Commissioner

have called and caused to come before me Lois Norma Hurlbert & Mrs. Dolly Dawson

witness es named in the requirement for Oral Examination, on the 15th day of July
1958, at the office of John V. Duck

in Fairhope, Alabama, and having first sworn said witness es to speak the

truth, the whole truth, and nothing but the truth, the said Lois Norma Hurlbert and Mrs.

Dolly Dawson doth depose and say as follows:

TESTIMONY OF LOIS NORMA HURLBERT

My name is Lois Norma Hurlbert. I am the complainant in the above styled cause and I am over twenty-one years of age and a resident of Baldwin County, Alabama. The Respondent, Harvey Arnold Hurlbert, is over the age of twenty-one years and is now living at 5759 South Craft Highway Prichard, Alabama. The Respondent and I were married at Lucedale, Miss. on the 30th day of November, 1945, and we lived together as husband and wife until the 24th day of June, 1958. On the 24th day of June, 1958, the Respondent cursed, threatened and abused me and slapped me in the face and about the head; which would necessarily endanger my life and health. that the conduct of the respondent gave me every reasonable apprehension to believe and I do believe that if I continued living with the respondent that he would continue to do actual violence to my person, which would necessarily endanger my life and health.

We have one child who is a minor, Patrica Ann Hurlbert, age five years. The respondent is not a fit and proper person to have the care, custody, and control of the said minor child. The said minor is now living with me and has always lived with me and I am a fit and proper person to have the care, custody and control of Patrica Ann Hurlbert. The respondent is an able bodied man and is able to support Patricia Ann Hurlbert, the said minor child by paying to me the sum of Fifteen Dollars per week.

Lois Norma Hurlbert
Lois Norma Hurlbert.

TESTIMONY OF MRS. DOLLY DAWSON.

My name is Dolly Dawson. I am the mother of the complainant in the above styled cause. I have known the complainant and the Respondent through out their married life. I know to my own knowledge that they have had considerable friction here recently and that on the 24th day of June, 1958, they seperated. I know that the complainant, Lois Norma Hurlbert, mother of Patrica Ann Hurlbert, is a fit and proper person to have the permanent care, custody and control of their minor child.

Dolly Dawson
Dolly Dawson

ORAL EXAMINATION

I, Ophelia J. Quinley 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 me and they signed the same in the presence of myself and John V. Duck at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness es or had proof made before me of the identity of said witness es ; 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 15th day of July, 1958

Ophelia J. Quinley (L. S.)

No. 4330 Page

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

LOTS NORMA HURBERT
COMPLAINANT

vs.

HARVEY ARNOLD HURBERT
RESPONDENT

ORAL DEPOSITION

Filed FILED JUL 15 1958

ALICE J. DUCK, Register
RECORDED IN
Record

Vol. Page

Register.

LOIS NORMA HURLBERT

vs.

HARVEY ARNOLD HURLBERT

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 Lois Norma Hurlbert & Mrs. Dolly Dawson

and in behalf of Defendant upon Answer & Waiver

John V. Duck

Alfred Duck
Register.

No. 4338

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

LOIS NORMA HURLBERT

VS.

HARVEY ARNOLD HURLBERT

Note of Testimony

Filed in Open Court this

FILED

JUL 15 1958

day of _____, 19____

ALICE J. DUCK, Register

Register.

LOIS NORMA HURLBERT)
Complainant)
-VS-)
HARVEY ARNOLD HURLBERT)
Respondent)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

ANSWER AND WAIVER

Now comes the Respondent, in his own proper person, and admits the allegations contained in the Bill of Complaint filed in the above styled cause as to ages, residence, and children, but denies all other allegations therein contained and demands strict proof of the same.

The Respondent waives notice of the time of taking testimony on behalf of the Complainant; the right to cross-examine the Complainant's witnesses; and agrees that this cause be submitted for final decree without further notice.

Harvey Hurlbert
Respondent

STATE OF ALABAMA
Mobile COUNTY

I, Ouida Rikard, a Notary Public, in and for said County, in said State, do hereby certify that HARVEY ARNOLD HURLBERT, 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 said instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 10th day of July, 1958.

Ouida Rikard
Notary Public

OUIDA RIKARD
My Commission Expires August 15, 1959

LOIS NORMA HURLBERT

Complainant

-VS-

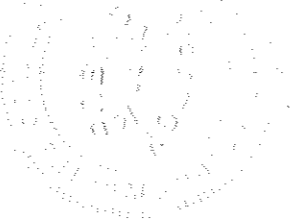
HARVEY ARNOLD HURLBERT

Respondent

IN THE CIRCUIT COURT OF
BLADWIN COUNTY, ALABAMA
IN EQUITY

ANSWER AND WAIVER

FILED
JUL 1958
ALICE J. WICK, Register



Faint, mostly illegible text, likely bleed-through from the reverse side of the page. Some words like 'I', 'the', 'and', 'of', 'to', 'in', 'on', 'at', 'by', 'with', 'from', 'under', 'against', 'between', 'among', 'within', 'without', 'before', 'after', 'during', 'before', 'after', 'during', 'before', 'after', 'during' are visible.

Faint text at the bottom of the page, possibly a signature or additional notes.

LOIS NORMA HURLBERT
Trushoff
Complainant

VS

HARVEY ARNOLD HURLBERT
Respondent

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

NUMBER: 4330

MOTION TO MODIFY DECREE

Comes now the Respondent in the above styled cause and shows unto Your Honor as follows:

I

That on to-wit, July 21, 1958, Your Honor made and entered a decree divorcing Respondent and Complainant, giving Complainant custody of their infant child, Patricia Ann Hurlbert and ordering Respondent to pay \$15.00 per ~~xxxxxx~~ ^{week} support for the said child.

II

That the conditions existing at the time of said decree have substantially changed so that Respondent is not now able to pay the said \$15.00 per week, in that at the time of the said divorce Respondent was earning an average of \$65.00 per week and that since the date of the said decree Respondent's income, through no fault of his own has been substantially reduced so that he now makes an average of \$35.00 per week. Respondent further shows that he is not delinquent in the said support payments.

III

Respondent shows unto Your Honor that since the date of the said decree Complainant has refused Respondent reasonable visiting priviledges with the said child.

~~Now therefore, the premises considered the Respondent prays~~ that notice be given Complainant of this motion, that the said motion be set down for a hearing and that upon a final hearing hereof, that Your Honor will make and enter an order modifying the original decree by reducing the amount of support, and that Your Honor will further provide that Respondent have reasonable visiting priviledges with the child.

Complainant prays for all such other further and different relief to which he may be in equity and good conscience entitled.

FILED

DEC 23 1959

W. J. DUCK, Register

W. J. Duck
SOLICITOR FOR RESPONDENT

NUMBER: H330

LOIS NORMA HURLBERT
307 So. Church St. Fairhope
COMPLAINANT

VS

HARVEY ARNOLD HURLBERT
RESPONDENT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

MOTION TO MODIFY
DECREE

FILED
DEC 23 1959

ALICE J. DUCK, Register

Received 23 day of Dec 1959
and on 7 day of Jan 1960
I served a copy of the within Motion
on Lois Norma Hurlbert
by service on _____

TAYLOR WILKINS, Sheriff
By Charles Dickens D. S.

Fairhope

Sheriff claims 70 miles at
Ten Cents per mile Total \$ 7.00
TAYLOR WILKINS, Sheriff
BY CC
DEPUTY SHERIFF

who is now and has been all of her life, living with her mother, the Complainant; that your Complainant is a suitable, fit and proper person to have her care, custody and control.

V

That your Complainant has no separate estate or funds out of which to provide for the support of the said minor child; that the Respondent is an able bodied man capable of supporting the said minor child. That the Respondent is now working and averages around Sixty to Seventy Dollars per week in salary.

PRAYER FOR PROCESS AND RELIEF

WHEREFORE, the premises considered, your Complainant prays that the Respondent Harvey Arnold Hurlbert, be made a party Respondent to this cause by the usual writ of process of this Honorable Court requiring him to appear and plead, answer or demur within the time and under the penalties prescribed by the rules of this court and under the statutes and such cases made and provided.

Complainant further prays that upon a final hearing of this cause, that your Honor will grant unto your Complainant and absolute divorce from said Respondent.

Complainant further prays that she be awarded the permanent care, custody and control of the said minor child, Patricia Ann Hurlbert; that the court will make all necessary orders and decrees as may be proper, fixing a sufficient amount of money to be paid by the Respondent, to the Complainant for the support of the said minor child; and order the Respondent to pay the same.

Complainant prays for all such other further and different relief to which she may be entitled and as in duty bound she will ever pray.

Lois Norma Hurlbert
Complainant

John V. Duck
Solicitor for Complainant