

4335

Jo Anne Bain,
Complainant,
VS.

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

Euel Richard Bain, Jr.,
Respondent.

On Motion made by the Complainant in this cause,
Jo Anne Bain, that the above styled cause be dismissed -

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED
BY THE COURT, that said cause be and the same is hereby
dismissed.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the
Complainant be and she is hereby taxed with the costs herein.

Dated this 9th day of October, 1958.

Hubert M. Hall
Judge, 28th Judicial Circuit

FILED

OCT 9 1958

ALICE J. DUCK, CLERK
REGISTER

WILLIAM E. HARRIS
ATTORNEY AT LAW
319 MCKENZIE AVENUE
PANAMA CITY, FLORIDA

P. O. BOX 578

PHONE
POPLAR 3-2839

October 6, 1958

Mr. Ernest M. Bailey
Attorney at Law
221 Fairhope Avenue
Fairhope, Alabama

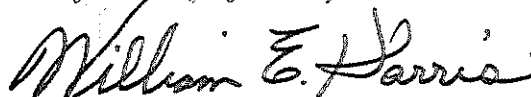
Re: Jo Anne Bain
vs.
Euel Richard Bain, Jr.

Dear Mr. Bailey:

Pursuant to my telephone conversation with you today regarding the above case which you filed for Mrs. Bain, I wish to advise you that Mrs. Bain has requested that the matter be dismissed completely as is evident from her signature at the bottom of this letter to that effect.

I discussed with her the balance of \$43.00 due you and I enclose herewith my check for said sum of money. I would appreciate your forwarding to me a certified copy of the Complaint, Plea in Abatement, and Order of Dismissal in this case and, if there is any further charge, please let me know and I shall forward to you immediately any further sums due. I might add that it is very important that this case be dismissed at the earliest possible time.

Very truly yours,



William E. Harris

WEH/jh

Enclosure

I hereby certify that the above stated request for the dismissal of my divorce case in Baldwin County, Alabama, filed by Ernest M. Bailey, Attorney at Law, Fairhope, Alabama be dismissed immediately.


Jo Anne Bain

JO ANNE BAIN,
Complainant

vs.


EUEL RICHARD BAIN, JR.,
Respondent

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Q

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

MOTION TO DISMISS

Now comes the Complainant, by her Solicitor, and moves that this case be dismissed and attaches hereto letter of the Complainant, Jo Anne Bain, requesting that the same be dismissed.


ERNEST M. BAILEY
SOLICITOR FOR COMPLAINANT

(Faint, mirrored text from the reverse side of the page, including words like 'COMPLAINANT', 'SOLICITOR', and 'MOTION')

JO ANNE BAIN, Complainant
vs.
EUEL RICHARD BAIN, JR., Respondent

MOTION TO DISMISS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

JO ANNE BAIN,
Complainant
vs.
EUEL RICHARD BAIN, JR.,
Respondent

MOTION TO DISMISS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

FILED
OCT 9 1966
ANNIE J. DUCK, CLERK
REGISTER


JO ANNE BAIN,)	
Complainant,)	IN THE CIRCUIT COURT OF
vs.)	BALDWIN COUNTY, ALABAMA
EUEL RICHARD BAIN, JR.,)	IN EQUITY.
Respondent.)	

PLEA IN ABATEMENT

Now comes the Respondent, by his Solicitor, who appears specially and solely and only for the purpose of filing this plea in abatement, and says that this suit should be abated for the following separate and several reason, to-wit:

1. The Complainant is not a resident of Baldwin County, Alabama.
2. The Respondent is not a resident of Baldwin County, Alabama.
3. The Complainant and the Respondent are not residents of Baldwin County, Alabama.
4. The Complainant has not been a resident of Baldwin County, Alabama, for one year next preceding the filing of this suit.
5. The Respondent has not been a resident of Baldwin County, Alabama, for a period of one year next preceding the filing of this suit.
6. The Complainant and the Respondent have not been residents of Baldwin County, Alabama, for a period of one year next preceding the filing of this suit.
7. The Complainant and the Respondent did not reside in Baldwin County, Alabama, when the alleged separation occurred.
8. The Complainant and the Respondent were not residents of Baldwin County, Alabama, when the alleged separation occurred.

WHEREFORE, Respondent prays that this suit be abated. Respondent further prays for such other, further and general relief as he may be equitably entitled to, the premises considered.


Solicitor for Respondent.

STATE OF ALABAMA

COUNTY OF Baldwin

Before me, the undersigned authority, within and for said County in said State, personally appeared Euel Richard Bain, Jr., who, after being by me first duly and legally sworn, deposes and says:

That he is the Respondent named in the above entitled cause; that he has read over the foregoing plea in abatement and that the facts stated therein are true.

x Euel R. Bain Jr

Sworn to and subscribed before
me on this the 13 day of
August, 1958.

Jacob Weyler
Notary Public, Baldwin County, Ala.

STATE OF ALABAMA)

BALDWIN COUNTY)

IN THE CIRCUIT COURT - IN EQUITY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Euel Richard Bain, Jr. to appear and plead, answer or demur, within thirty days from the service of this writ, to the Bill of Complaint filed in the Circuit Court of Baldwin County, Alabama, in Equity, by Jo Anne Bain, as Complainant, against Euel Richard Bain, Jr., as Respondent.

Witness my hand this the 22 day of July, 1958.

Alice J. Black
REGISTER

JO ANNE BAIN, ¶

Complainant

versus

EUEL RICHARD BAIN, JR., ¶

Respondent

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

Comes your Complainant, Jo Anne Bain, and files this her Bill of Complaint for divorce against Euel Richard Bain, Jr., and shows unto Your Honor and unto this Honorable Court as follows:

FIRST:

That your Complainant and the Respondent are both over the age of twenty-one years and are residents of Baldwin County, Alabama, residing in Fairhope, Alabama.

SECOND:

That your Complainant and the Respondent were married on, heretofore, to-wit, March 24, 1951 in Gulfport, Mississippi, and live together as husband and wife until on, to-wit, July 12, 1958, when, on account of the matters hereinafter complained of, your Complainant was compelled to live separate and apart from the Respondent; that your Complainant avers that the Respondent has, since her said marriage to Respondent, become addicted to habitual drunkenness and that the said habit has continued to the filing of this Bill; 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 on her person, attended with danger to her life and health.

THIRD:

That there was born of the marriage between Complainant and Respondent the following named child: Debbie Anne Bain, aged two and one-half years and the Complainant has a minor child, Joe Morris Bain, aged nine years, which child was duly adopted by the Respondent. That your Complainant is a fit and proper person to have the care, custody and control of the said minor children.

FOURTH:

That your Complainant and the Respondent jointly own certain personal property, consisting of the sum of, to-wit, Five Thousand Dollars (\$5,000.00), household furnishings and one 1955 Plymouth automobile. That your Complainant has no money or property with which to properly support and educate the said minor children and the Respondent is able to pay your Complainant sufficient amounts to properly support and educate said children. That your Complainant has employed Ernest M. Bailey as her Solicitor of Record to prosecute this cause of action and she is unable to pay him a reasonable Solicitor's fee for his services in this matter.

PRAYER FOR PROCESS AND RELIEF:

The premises considered, your Complainant prays that the above named Euel Richard Bain, Jr. be made a party Defendant to this cause by the usual writ or 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 the Statutes in such cases made and provided; that upon a final hearing of this cause Your Honor will award the Complainant custody and control of the said minor children herein named and, if he deems necessary, will order a reference to determine such support as may be necessary as and for support of said minor children and to determine the interest of your Complainant in and to the said personal property jointly owned by the Complainant and Respondent. That Your Honor will also order and decree that the Respondent be required to pay Ernest M. Bailey a reasonable Solicitor's fee for his services in prosecuting this cause;

that Your Honor will also grant unto Complainant an absolute divorce from the Respondent and decree that the parties be allowed to remarry if they see fit. Should Complainant be mistaken in the relief prayed for, that there be granted to her such other, further and different relief as in duty bound she will ever pray.

James M. Bailey

SOLICITOR FOR COMPLAINANT

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4335

SUMMONS AND BILL OF COMPLAINT

JO ANNE BAIN,

Complainant

versus

EUEL RICHARD BAIN, JR.,

Respondent

611 South Main

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

FILED

JUL 22 1958

ALICE J. DUCK, Register

Received 23 day of July 1958
and on _____ day of _____ 19____
I served a copy of the within Bill of Complaint
on Euel Richard Bain Jr

By service on _____
By _____
TAYLOR WILKINS, Sheriff

EXECUTED this the 23 day
of July 1958

by leaving a copy of the within with
Euel Richard Bain Jr
W. C. Waldrop
Sheriff,

Cullman County, Ala.
By W. L. Tucker
Deputy Sheriff