

4371

DIVORCE DECREE

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

ROSE MARIE HAMBY, Complainant

vs.

LUTHER JAMES HAMBY, JR., 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

ROSE MARIE HAMBY is forever divorced from the said LUTHER JAMES HAMBY, JR. for and on account of

Cruelty. It is further ordered, adjudged and decreed by the Court that Complainant shall have the care, custody and control of the minor children named in the Bill of Complaint and Respondent shall have the right of visitation and right of custody during vacation periods not in excess of two weeks. Respondent shall pay to Complainant \$167.00 per month as and for support and maintenance of the said minor children, all in accordance with stipulated agreement entered into by the parties and attached to Bill of Complaint, which agreement is hereby ratified and confirmed.

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 further 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 Rose Marie Hamby the Complainant pay the cost herein to be taxed, for which executed may issue.

This 4th day of September 19 58

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

ROSE MARIE HAMBY

Complainant

vs.

LUTHER JAMES HAMBY, JR.

Respondent

DIVORCE DECREE

FILED

SEP 41 1958

ALICE A. DUCK, CLERK
REGISTER

ROSE MARIE HAMBY

THE STATE OF ALABAMA
Baldwin County

vs.

LUTHER JAMES HAMBY, JR.

IN EQUITY
Circuit Court of Baldwin County

This cause is submitted in behalf of Complaint upon the original Bill of Complaint, and Oral Testimony of Rose Marie Hamby and Rev. Raymond T. Parks, taken before Commissioner appointed by Court.

and in behalf of Defendant upon Answer and Waiver

69
Robert M. Bailey
SOLICITOR FOR COMPLAINANT

David J. Park
Register.

No.

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

ROSE MARIE HAMBY

VS.

LUTHER JAMES HAMBY, JR.

Note of Testimony

Filed in Open Court this

FILED

day of _____, 19

SEP 4 1950

ALICE J. DUCK, CLERK
REGISTER Register.

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Luther James Hamby, Jr. to appear and plead, answer or demur, within thirty days from the service hereof, to the Bill of Complaint filed in the Circuit Court of Baldwin County, Alabama, in Equity, by Rose Marie Hamby, ad Complainant, against Luther James Hamby, Jr. as Respondent.

Witness my hand this the 28 day of August, 1958.

Alice J. Luck
REGISTER

ROSE MARIE HAMBY,
Complainant

vs.

LUTHER JAMES HAMBY, JR.,
Respondent

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

Comes your Complainant, Rose Marie Hamby, and files this her Bill of Complaint for divorce against Luther James Hamby, Jr., and shows unto Your Honor and unto this Honorable Court as follows:

FIRST:

That your Complainant and the Respondent are over the age of twenty-one years and that the Complainant is a resident of the State of Alabama for more than one year next preceding the filing of this Bill of Complaint and residing in Fairhope, Baldwin County, Alabama and was so residing in Fairhope, Baldwin County, Alabama at the time of separation. The Respondent is a resident of Hickory, North Carolina.

SECOND:

That the Complainant and the Respondent were married on, heretofore, the 4th day of March, 1952 in the County of Whitney, Oxon, England, and lived together as husband and wife until on, to-wit, the 23rd day of August, 1957, when, on account of the matters hereinafter complained of, your Complainant was compelled to live separate

and apart from Respondent; that on the 23rd day of August, 1957, and at times prior thereto, the Complainant states that the Respondent, from his manner and conduct toward her, gave reasonable apprehension of committing violence upon her person, and that from his manner and conduct, she is reasonably certain that if she continues to live with him as his wife, he will commit actual violence upon her person, attended with danger to her life and health.

THIRD:

That the following named children were born of this marriage: Jenny Marie, aged five years, Carolyn Eloise, aged four years, James David, aged three years and Loretta Jean, aged three months. That the Complainant is a fit and proper person to have the permanent care, custody and control of the said minor children. That your Complainant has no money or property with which to properly support and educate the said minor children and that the Respondent is able to pay your Complainant sufficient amounts to properly educate and support the said minor children.

PRAYER FOR PROCESS AND RELIEF:

The premises considered, your Complainant prays that the above named Luther James Hamby, 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 her above named minor children and, if she deems necessary, will order a reference to determine such support as may be necessary as and for the support of the said minor children. That upon a final hearing of this cause Your Honor will grant unto Complainant an absolute divorce from Respondent and decree that she may remarry if she sees fit. Your Complainant further prays for such other, further and different relief to which she may be entitled and as in duty bound she will ever pray.

Lester M. Bailey
SOLICITOR FOR COMPLAINANT

1037
SUMMONS AND COMPLAINT

BRIDGEMAN COUNTY V. HAMBY, JR.
CIRCUIT COURT

4271

SUMMONS AND COMPLAINT

ROSE MARIE HAMBY, Complainant
vs.
LUTHER JAMES HAMBY, JR., Respondent

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

FILED

AUG 23 1968

ALICE J. DUCK, REGISTER

RECEIVED FOR COMPLAINT
L. J. Hamby, Jr.

to which she may be entitled and as in duty bound she will ever pray.
Distant further prays for each other, further and different relief
bondant and decree that she may remain in the care of the Respondent

YOUR HONOR WILL GRANT THIS COMPLAINT AN SPECIFIC DIVORCE FROM HER-
OF THE SAID MINOR CHILDREN. THAT UPON A FINAL HEARING OF THIS CAUSE
TO DETERMINE SUCH SUPPORT AS MAY BE NECESSARY AS AND FOR THE SUPPORT
NAMED WITH CHILDREN AND, IT SEEMS NECESSARY, WILL ORDER A REFERENCE
HONORARY SWEAR COMPLAINT AND CONTROL OF HER SPOUSE
CASES AND BY SAID; THAT UPON A FINAL HEARING OF THIS CAUSE TO
SHE IS DESCRIBED BY THE RULES OF THIS COURT AND THE STATUTE
SPOUSE AND BLOOD SPOUSE OR SPOUSE, WITHIN THE TIME AND UNDER THE
BY THE SAID WRITER OR PROSECUTOR OF THIS HONORABLE COURT RETURNED
NAME LUTHER JAMES HAMBY, JR. MADE A DULY DEFENDANT TO THIS CASE
THE PREMISES CONSIDERED, YOUR COMPLAINT PRAYS THAT THE SPOUSE
PROCESSES AND RELIEF:

THE SAID MINOR CHILDREN.

YOUR COMPLAINT SUFFICIENT EVIDENCE TO PROPERLY EDUCATE AND SUPPORT
CASE THE SAID MINOR CHILDREN AND THAT THE RESPONDENT IS SILE TO PAY
AND HAS NO MONEY OR PROPERTY WITH WHICH TO PROPERLY SUPPORT AND EDU-
CATION AND CONTROL OF THE SAID MINOR CHILDREN. THAT YOUR COMPLAIN-
THE COMPLAINT IS A FIT AND PROPER PERSON TO HAVE THE PERMANENT CARE,
DAVID, AGED THREE YEARS AND ROBERTA JEAN, AGED THREE MONTHS. THAT
JENNY MARIE, AGED FIVE YEARS, CAROLYN ELOISE, AGED FOUR YEARS, JAMES
THAT THE FOLLOWING NAMED CHILDREN WERE BORN OF THIS MARRIAGE:

CHILD:

TENDED WITH DANGER TO HER LIFE AND HEALTH.
HIM AS HIS WIFE, HE WILL COMMIT ACTUAL VIOLENCE UPON HER PERSON, AT-
CONDUCT, SHE IS REASONABLY CERTAIN THAT IF SHE CONTINUES TO LIVE WITH
OF COMMITTING VIOLENCE UPON HER PERSON, AND THAT FROM HIS MANNER AND
FROM HIS MANNER AND CONDUCT TOWARD HER, GAVE REASONABLE APPREHENSION
AT TIMES PRIOR THERETO, THE COMPLAINANT STATES THAT THE RESPONDENT,
AND SEPARATE FROM RESPONDENT; THAT ON THE 23RD DAY OF AUGUST, 1957, AND

THE STATE OF ALABAMA

Baldwin County

Circuit Court

TO: Helen Bailey

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 Rose Mary Hamby and Rev. Raymond T. Parks

a witnesses in behalf of Rose Mary Hamby in a cause pending in our Circuit Court in Baldwin County, of said State, wherein Rose Mary Hamby

Complainant and Luther James Hamby, Jr.

Respondent on oath, to be by you administered, upon Rose Marie Hamby and Rev. Raymond T. Parks to take and certify the deposition S of the witness es and return the same to our Court, with all convenient speed, under your hand.

Witness 3rd day of September, 195 8

W. J. ...
Register.

Commissioner's Fee, \$ _____

Witness' Fees, \$ _____

THE STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court of Baldwin County, Alabama
(In Equity)

ROSE MARIE HAMBY

COMPLAINANT

vs.

LUTHER JAMES HAMBY, JR.

RESPONDENT

I, Helen Bailey

as Register and Commissioner

have called and caused to come before me Rose Marie Hamby and Reverend Raymond
T. Parks

witnesses named in the requirement for Oral Examination, on the 3rd day of September
19 58, at the office of Ernest M. Bailey

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

truth, the whole truth, and nothing but the truth, the said Rose Marie Hamby

and Raymond T. Parks

doth depose and say as follows:

TESTIMONY OF ROSE MARIE HAMBY:

My name is Rose Marie Hamby and I am the Complainant in this action, wherein Luther James Hamby, Jr. is the Respondent. We are both over the age of twenty-one years and I am a bona fide resident of Baldwin County, Alabama, residing in Fairhope. I was married to the Respondent on March 4, 1952 in County of Whitby, Oxan, England. We lived together as husband and wife until August 23, 1957 when I separated from the Respondent because of his threats to commit violence on my person. The Respondent has on other occasions threatened and abused me and I am of the opinion that if I continue living with him as his wife he will commit actual violence on my person, attended with danger to my life and health.

Rose Marie Hamby
COMPLAINANT

TESTIMONY OF REV. RAYMOND T. PARKS:

My name is Raymond T. Parks. I am over the age of twenty-one years and am a resident of Fairhope, Baldwin County, Alabama. I have known Mrs. Hamby since she has resided in Fairhope and during this period of her married life, I have, on several occasions, seen her when she was emotionally disturbed by domestic difficulties with her husband.

Rev. Raymond T. Parks
RAYMOND T. PARKS

ORAL EXAMINATION

I, Helen Bailey 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 s and read over to them and they signed the same in the presence of myself and each other at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness s or had proof made before me of the identity of said witness s; 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 3rd day of September, 1954.

Helen Bailey (L. S.)

No. _____ Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

ROSE MARIE HAMBY

COMPLAINANT

vs.

LUTHER JAMES HAMBY, JR.

RESPONDENT

ORAL DEPOSITION

Filed _____, 19 _____

Register.

RECORDED IN

Record.

Vol. _____ Page _____

Register.

FILED
SEP 4 1954
Helen Bailey, Register

ROSE MARIE HAMBY,
Complainant

vs.

LUTHER JAMES HAMBY, JR.,
Respondent

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

ANSWER AND WAIVER

Comes the Respondent in the above styled cause and for answer to the Bill of Complaint filed in said cause and each and every paragraph thereof, separately and severally, says:

1. Respondent admits the allegations of the first paragraph of the Bill of Complaint.
2. Respondent admits the allegations of the second paragraph of the Bill of Complaint as to the date of marriage and date of separation but denies all other allegations of this paragraph and demands strict proof of the same.
3. Respondent admits the allegations of the third paragraph of the Bill of Complaint.

Respondent accepts service of a copy of the Summons and Bill of Complaint in this cause and waives further service of the same. Respondent also waives notice of taking of testimony and notice of submission of this cause and agrees that the testimony may be taken and the cause submitted without further notice to him.

Luther James Hamby Jr
RESPONDENT

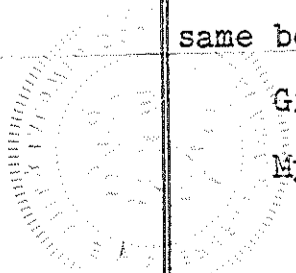
STATE OF ALABAMA)
COUNTY OF BALDWIN)

I, the undersigned notary public in and for said County of Baldwin, State of Ala, certify that Luther James Hamby, whose name is signed to the above 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 seal this the 3rd day of Sept 1958.

My commission expires 2/1/62

Lillian K. Stephens
NOTARY PUBLIC



ANSWER AND WAIVER

ROSE MARIE HAMBY,

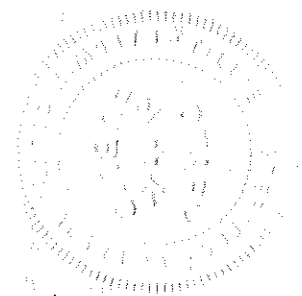
Complainant

vs.

LUTHER JAMES HAMBY, JR.,

Respondent

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY



FILED

SEP 4 1958

ALICE J. DUCK, CLERK
REGISTER

STATE OF ALABAMA)
)
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Luther James Hamby, Jr. to appear and plead, answer or demur, within thirty days from the service hereof, to the Bill of Complaint filed in the Circuit Court of Baldwin County, Alabama, in Equity, by Rose Marie Hamby, as Complainant, against Luther James Hamby, Jr., as Respondent.

Witness my hand this the _____ day of September, 1958.

REGISTER

ROSE MARIE HAMBY, ¶ IN THE CIRCUIT COURT OF
 Complainant ¶ BALDWIN COUNTY, ALABAMA
 vs. ¶ IN EQUITY
LUTHER JAMES HAMBY, JR., ¶
 Respondent

Comes your Complainant, Rose Marie Hamby, and files this her Bill of Complaint for divorce against Luther James Hamby, Jr. and shows unto Your Honor and unto this Honorable Court as follows:

FIRST:

That your Complainant and the Respondent are over the ages of twenty-one years and that the Complainant is a resident of the State of Alabama for more than one year next preceeding the filing of this Bill of Complaint and residing in Fairhope, Baldwin County, Alabama and was so residing in Fairhope, Baldwin County, Alabama at the time of separation from Respondent. The Respondent is a resident of Hickory, North Carolina.

SECOND:

That the Complainant and the Respondent were married on, heretofore, the 4th day of March, 1952 in the County of Whitney, Oxon, England, and lived together as husband and wife until on, to-wit, the 23rd day of August, 1957, when, on account of the matters herein-after complained of, your Complainant was compelled to live separate

and apart from the Respondent; that on the 23rd day of August, 1957, and at times prior thereto, the Complainant states that the Respondent, from his manner and conduct toward her, gave reasonable apprehension of committing violence upon her person, and that from his manner and conduct, she is reasonably certain that if she continues to live with him as his wife, he will commit actual violence upon her person, attended with danger to her life and health.

THIRD:

That the following named children were born of this marriage: Jenny Marie, aged five years, Carolyn Eloise, aged four years, James David, aged three years and Loretta Jean, aged two months. That the Complainant is a fit and proper person to have the care, custody and control of the said minor children and that the Respondent has heretofore entered into an agreement in which he recognized the care, custody and control of the said minor children in Complainant. That Complainant and Respondent have also previously entered into an agreement pertaining to the support and maintenance of the said minor children and a distribution of property between the parties.

PRAYER FOR PROCESS AND RELIEF:

The premises considered, your Complainant prays that the above named Luther James Hamby, 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 grant unto Complainant an absolute divorce from Respondent. Your Complainant further prays for such other, further and different relief to which she may be entitled and as in duty bound she will ever pray.

Rose Marie Hamby
COMPLAINANT

STATE OF ALABAMA)
BALDWIN COUNTY)

Before me, the undersigned authority, personally appeared Rose Marie Hamby, who, being by me first duly sworn, says:

That the allegations contained in the foregoing Bill of Complaint are true.

Rose Marie Hamby
ROSE MARIE HAMBY

Sworn and subscribed to before me this the 23rd day of August, 1958.

James M. Bailey
NOTARY PUBLIC

ROSE MARIE HAMBY,
Complainant
vs.
LUTHER JAMES HAMBY, JR.,
Respondent

)
)
)
)
)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

STIPULATED AGREEMENT

It is hereby stipulated and agreed by and between the parties hereto as follows:

One:

That the Complainant shall have the full care, custody and control of the minor children, Jenny Marie, Carolyn Eloise, James David and Loretta Jean, named in the Bill of Complaint and that the Respondent shall have the right to visit such children at reasonable and proper times. The Respondent shall have the right of custody of the children (in a group) during limited periods of vacation, not in excess of a two-weeks period, provided the children are of a reasonable age to be separated from their mother, and provided further, that the Respondent shall have proper and adequate facilities for such periods of custody.

Two:

That the Respondent shall pay to the Complainant as and for support of the above named minor children of their marriage the sum of One Hundred Sixty Seven (\$167.00) Dollars per month. The first monthly installment shall commence on the first day of September, 1958.

Three:

In the event the Complainant or Respondent shall remarry, the parties agree to furnish to the other, at any time, such information as may be required of either to assist themselves or any Court having jurisdiction thereof, in making an equitable adjustment of support and maintenances for the minor children herein named.

Four:

The Complainant does hereby agree to grant, bargain, sell and convey unto the Respondent all her right, title and interest in that certain real property located in Hickory, North Carolina and more specifically located at Route 2, Box 408A, Hickory, North Carolina.

Five:

The Respondent does hereby agree to grant, bargain, sell and Convey unto the Complainant all his right, title and interest in and to one 1952 Pontiac four-door automobile now in the possession of the Complainant. Respondent also agrees to pay bills of \$152.00.

It is further agreed between the parties that this agreement may be used as a part of the proceedings for divorce by either party and may be confirmed and ratified by any Court having jurisdiction thereof.

IN WITNESS WHEREOF, the parties to this agreement have hereunto set their hands and seals on this the 3rd day of September, 1958.

Rose Marie Hamby (SEAL)
ROSE MARIE HAMBY

Luther J. Hamby, Jr. (SEAL)
LUTHER JAMES HAMBY, JR.

STATE OF ALABAMA)
)
BALDWIN COUNTY)

I, the undersigned notary public in and for said state and county, certify that Rose Marie Hamby and Luther James Hamby, Jr., whose names are signed to the foregoing instrument and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they executed the same voluntarily on day same bears date.

Given under my hand and seal this 3rd day of September, 1958.

My commission expires June 10, 1962.

Lawrence M. Bailey
NOTARY PUBLIC

ROSE MARIE HAMBY DeMOUY,)	IN THE CIRCUIT COURT OF
Complainant,)	BALDWIN COUNTY, ALABAMA
vs.)	IN EQUITY
LUTHER JAMES HAMBY, JR.)	4371
Respondent.)	

PETITION TO MODIFY
DECREE OF DIVORCE

TO THE HONORABLE TELFAIR J. MASHBURN, JUDGE OF THE CIRCUIT COURT
OF BALDWIN COUNTY, ALABAMA, IN EQUITY:

Comes now your Complainant in the above styled cause, and
respectfully represents unto your Honor and this Honorable Court
as follows:

I.

That a Decree of Divorce was rendered out of this Court on-
to-wit: the 4th day of September, 1958.

II.

That in and by the terms of said Final Decree of Divorce,
your Complainant was awarded the permanent care, custody and con-
trol of the four minor children of the parties, JENNY HAMBY, age 17,
CAROLYN HAMBY, age 16, DAVID HAMBY, age 14, and LORETTA HAMBY,
age 12.

III.

That at the time of the rendition of the said Decree, the
Respondent herein was a member of the Armed Forces of the United
States, and your Complainant and the Respondent entered into an
Agreement that the Respondent herein would pay to your Complainant
the sum of \$167.00 per month for the support and maintenance of the
four minor children of the parties.

IV.

That since the date of the said Divorce, the Respondent has
left the service of the Armed Forces of the United States and is
now permanently employed in a business interest of his own and is
capable of paying more support to your Complainant for the said
minor children.

V.

That since the date of the rendition of said Decree, the financial situation has changed for your Complainant in that the children have grown older and their needs have increased, and that the two oldest daughters are in high school and one is just prior to entering college, and the said \$167.00 per month is inadequate for the support of four minor children.

WHEREFORE, the premises considered, your Complainant prays that your Honor will make the said LUTHER JAMES HAMBY, JR. Party Respondent to this Petition to Modify Decree, and require him to appear and plead, answer or demur within the time prescribed by law and the rules of this Honorable Court.

Your Complainant further prays that upon a final hearing of this cause, your Honor will ascertain and fix a suitable amount of support for the Respondent to pay to your Complainant for support of the four minor children of the parties over and above the \$167.00 per month that she is now receiving.

Your Complainant prays for such other, further and different relief as she may be in Equity entitled to receive.


ROSE MARIE HAMBY DEMOUY

FILED

JUN 12 1970

ALICE J. BUCK CLERK
REGISTER

ROSE MARIE HAMBY DeMOUY,)
Complainant,)
vs.)
LUTHER JAMES HAMBY, JR.)
Respondent.)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

AGREEMENT BETWEEN PARTIES

WHEREAS, the parties herein were divorced out of the Circuit Court of Baldwin County, Alabama, in Equity, on the 4th day of September, 1958, and

WHEREAS, the Complainant herein was awarded the permanent care, custody and control of the four minor children of the parties, JENNY HAMBY, age 17, CAROLYN HAMBY, age 16, DAVID HAMBY, age 14, and LORETTA HAMBY, age 12, and

WHEREAS, as a part of the Final Decree of Divorce, an Agreement between the Complainant and the Respondent herein was incorporated into the Decree where the Respondent was to pay to the Complainant the sum of \$167.00 per month, and

WHEREAS, since the date of said Decree the Complainant herein has shown a dire set of changed circumstances for the financial needs of the said minor children, and the Respondent has agreed to the same,

NOW, THEREFORE, for and in consideration of the covenants and agreements hereinafter contained, the parties do hereby bind themselves as follows:

1. The Respondent herein hereby agrees to increase the monthly child support from \$167.00 per month to \$300.00 per month beginning on the first day of June, 1970 and continuing month to month thereafter.

2. The Complainant herein agrees that as each child reaches 21 years of age or in the event of marriage or a child becomes self-supporting prior to that time, that the child support will decrease automatically \$75.00 per month per child without order of any Court.

The parties herein agree that in all other respects, the said Agreement is ratified and confirmed.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals on this the 26th day of May, 1970.

Rose Marie Hamby DeMouy
ROSE MARIE HAMBY DeMOUY

Luther James Hamby, Jr.
LUTHER JAMES HAMBY, JR.

STATE OF ALABAMA
BALDWIN COUNTY

I, the undersigned, a Notary Public in and for said county in said state, hereby certify that ROSE MARIE HAMBY DeMOUY, whose name is signed to the foregoing Agreement, and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, she executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 26th day of May, 1970.

John V. Deek
NOTARY PUBLIC

STATE OF ~~TEXAS~~ Ala
COUNTY OF Baldwin

I, the undersigned, a Notary Public in and for said county in said state, hereby certify that LUTHER JAMES HAMBY, JR., whose name is signed to the foregoing Agreement, 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 8th day of June, 1970.

John V. Deek
NOTARY PUBLIC

FILED

JUN 12 1970

ALICE J. BEEK CLERK REGISTER

THE STATE OF ALABAMA, BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

At Bay Minette, Alabama

ROSE MARIE HAMBY DeMOUY

vs

LUTHER JAMES HAMBY, JR.

Comes LUTHER JAMES HAMBY, JR.

the person named as defendant in this cause, and for answer to the bill herein denies each and every allegation therein, and demands strict proof of the same. Defendant also waives service by the Sheriff of subpoena on said bill, a copy of the interrogatories filed in the cause, notice of the filing of them, waives the ten days allowed by law to cross them, the right to cross them, and consents that testimony may be taken, and the cause be submitted to Judge for final decree without notice to this defendant.

X Luther J. Hamby, Jr. Defendant.
Luther James Hamby, Jr.

THE STATE OF ~~ALABAMA~~ TEXAS COUNTY

Before me _____

the undersigned authority in and for said State and County, hereby certify that _____

LUTHER JAMES HAMBY, JR. whose name is signed to the foregoing

answer to a certain Bill of Complaint filed on the _____ day of _____, A. D. 19____,

wherein ROSE MARIE HAMBY DeMOUY is complainant

and LUTHER JAMES HAMBY, JR. is defendant,

and who is known to me to be identical person named as defendant in the Bill of Complaint in this cause, acknowledged before me on this day that being informed of the allegations on the Bill of Complaint filed against the defendant in said cause, said defendant signed the answer hereto attached voluntarily on the day same bears date.

And I further certify that defendant signed the said answer in my presence.

Given under my hand and seal this 8th day of June, A. D. 19____.

John J. Delt
NOTARY PUBLIC

FILED

JUN 12 1970

The State of Alabama,

COUNTY.

CIRCUIT COURT, IN EQUITY.

vs.

Answer and Waiver of Defendant

VERIFIED BY AFFIDAVIT

Filed this _____ day of _____

19 _____

Register.

THE STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court of Baldwin County, Alabama
(In Equity)

ROSE MARIE HAMBY DeMOUY Complainant

LUTHER JAMES HAMBY, JR. Respondent

I, LUCIA HIGBEE

as Register and Commissioner

have called and caused to come before me ROSE MARIE HAMBY DeMOUY

witness named in the Requirement for Oral Examination, on the 10th day of June
19 70 at the office of JOHN V. DUCK in

Fairhope Alabama, and having first sworn said Witness to
speak the truth, the whole truth, and nothing but the truth, the said ROSE MARIE HAMBY DeMOUY
both depose and say as follows:

TESTIMONY OF ROSE MARIE HAMBY DeMOUY

My name is ROSE MARIE HAMBY DeMOUY. I am over the age of 21 years and a resident citizen of Baldwin County, Alabama.

LUTHER JAMES HAMBY, JR. and myself were divorced out of the Circuit Court of Baldwin County, Alabama, in Equity, on the 4th day of September, 1958. That in and a part of the said Decree, an Agreement was included whereby the Respondent herein was to pay to me the sum of \$167.00 for the support and maintenance of our four minor children.

At that time he was a member of the Armed Forces of the United States and could not afford any more than the Government Allotment, but that since then, he is out of the service and is in business for himself and is President of Dairy Queen of Texas and has an income that approximates \$40,000.00 to \$50,000.00 per year.

He has entered into an Agreement with me to increase the child support to \$300.00 per month, and I respectfully urge the Court to consider the Agreement and modify the Decree.

Rose Marie Hamby DeMouy
ROSE MARIE HAMBY DeMOUY

FILED

JUN 18 1970

ALICE J. DUCK CLERK REGISTER

ORAL EXAMINATION

I, LUCIA HIGBEE, as Register and Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down by me in writing in the words of the witness ~~es~~ and read over to ~~them~~ her and ~~they~~ she signed the same in the presence of myself at the time and place herein mentioned; that I have personal knowledge of personal identify of said witness or had proof made before me of the indentify 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 12th day of June, 1970

Lucia Higbee (L. S.)

FILED

JUN 12 1970

ALICE J. DICK CLERK REGISTER

No. _____ Page _____

THE STATE OF ALABAMA
Baldwin County

In Circuit Court, In Equity

vs.

Complainant

Respondent

ORAL DEPOSITION

Filed _____, 19__

Register

Recorded in

Record

Vol. _____

Page _____

Register

COMMISSION TO TAKE DEPOSITIONS

STATE OF ALABAMA
Baldwin County



Circuit Court

TO LUCIA HIGBEE

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 ROSE MARIE HAMBY DeMOUY

a witness in behalf of ROSE MARIE HAMBY DeMOUY in a cause pending in our
Circuit Court in Baldwin County, of said State, wherein

and ROSE MARIE HAMBY DeMOUY is , Complainant

LUTHER JAMES HAMBY, JR. is Respondent
on oath, to be by you administered, upon ROSE MARIE HAMBY DeMOUY
to take and certify the deposition of the witness and return the same to our Court, with all convenient
speed, under your hand.

Witness 12 day of June 1970
Alice J. Week
Register

Commissioner's Fee, \$

Witness' Fees, \$

ROSE MARIE HAMBY DeMOUY

vs.
LUTHER JAMES HAMBY, JR.

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~~ Sworn Petition
and Agreement between Parties

FILED

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and in behalf of Defendant upon Answer and Waiver

ALICE J. DUCK CLERK REGISTER

John V. Duck

Alice J. Duck
Register.

ROSE MARIE HAMBY DeMOUY,)
Complainant,)
vs.)
LUTHER JAMES HAMBY, JR.)
Respondent.)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

ORDER MODIFYING ORIGINAL DECREE

This cause, coming on to be heard, is submitted upon the sworn petition of the Complainant herein, Answer and Waiver of the Respondent, and Agreement entered into between the parties, and the Court, after considering the same, is of the opinion that the relief prayed for in the petition to modify is well taken.

It is therefore, ORDERED, ADJUDGED and DECREED by the Court that the original Decree issued out of this Court on the 4th day of September, 1958, be, and the same is hereby modified in that the new Agreement entered into by the parties be, and the same is made a part thereof as though fully incorporated therein.

In all other respects the original Decree shall remain unchanged and ratified.

It is further ORDERED, ADJUDGED and DECREED by the Court that the Complainant herein pay the costs for which execution may issue.

DONE this the 12th day of June, 1970.

J. J. Maddox
JUDGE OF CIRCUIT COURT, IN EQUITY

FILED

JUN 12 1970

ALICE J. DUCK CLERK
REGISTER