

4401

DIVORCE DECREE

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

MARIE FORTIN

Complainant

vs.

DONALD JOSEPH FORTIN

Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Pro Confesso~~ 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 Marie Fortin is forever divorced from the said Donald Joseph Fortin for and on account of Cruelty

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the care custody and control of the minor child Deborah Lynn Fortin, be and the same is hereby awarded to the Complainant, Marie Fortin

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

This 7th day of November 19 58

[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. _____ Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

In Circuit Court, In Equity

Complainant

vs.

Respondent

DIVORCE DECREE

FILED

NOV 7 1958

ALICE J. DUCK, Registrar

MARIE R. FORTIN

Entered on _____

No. _____ VS

Min. Book No. _____ Entry _____

DONALD JOSEPH FORTIN

~~W. X. E. S. W. A. T. H. A. U. G. H. T. O. N.~~ Register

ORDER OF SUBMISSION

This cause coming on to be heard, is submitted for decree on the pleadings and on the proof as noted.

Dated,

NOTE OF EVIDENCE

At the hearing of this cause the following note of evidence was taken to wit:

FOR COMPLAINANT

1. Bill of Complaint
2. Answer, Waiver and Agreement
3. Testimony of Marie R. Fortin and of Bertie Kinter a witness on Complainant's behalf.

FILED, 11-6-58

W. X. E. S. W. A. T. H. A. U. G. H. T. O. N. Register

William Thayer
Solicitor—for Complainant

FOR RESPONDENT

Solicitor—For Respondent

100-1-1000-1000

100-1-1000-1000

100-1-1000-1000

100-1-1000-1000

100-1-1000-1000

100-1-1000-1000

100-1-1000-1000

100-1-1000-1000

100-1-1000-1000

100-1-1000-1000

100-1-1000-1000

No. _____

Vs.

ORDER OF SUBMISSION
NOTE OF EVIDENCE

Filed **FILED**

NOV. 6 1958

ALICE J. DUCK, Register Register

Ent. Min. No. _____ Entry _____

CERTIFICATE

I, Peggy Preston, the Commissioner appointed by the Court and named in the attached commission, or named by agreement of the parties, in that certain cause now pending in the Honorable Circuit Court of Baldwin ~~Mobile~~ County, Alabama, Sitting in Equity, No. _____, wherein

MARIE R. FORTIN is Complainant, and DONALD JOSEPH FORTIN

is Respondent, under and by virtue of the power conferred upon me by said Commission or agreement as such commissioner, caused MARIE R. FORTIN, and BERTIE KINER

who ^{are} were made known to me, to come before me at 3:00 o'clock ^P M., on November 4, 1958, at 65 St. Emanuel Street, Mobile, Alabama; that said witnesses were first duly sworn

by me as stated; that they were then examined by William grayson, Solicitor for the Complainant, and ~~cross-examined by~~

Solicitor for Guardian Ad Litem & _____, and they testified in Attorney Ad Litem for

response thereto as is hereinabove written; and the testimony was by me reduced to writing as given by said witnesses in narrative form, and as near might be the identical language of said witnesses, and that, after said testimony had been so reduced to writing, it was by me read over to said witnesses; who assented to and signed same, ~~who refused to sign same, who was physically unable to sign same, or who waived the reading and signing of same,~~ in my presence and in the presence of said Solicitor for

Complainant ~~Solicitor for and Guardian Ad Litem & Attorney Ad Litem for~~

I further certify that I am not of counsel or kin to any of the parties to the said cause, and am not in anywise interested in the result thereof, and that the depositions are true and correct as given by the witnesses.

Witness my hand this 4th day of November, 1958

Peggy Preston
Commissioner

TESTIMONY OF MARIE FORTIN, WITNESS ON HER OWN BEHALF:

My name is Marie Fortin and I am the Complainant in this cause. I am the wife of the Respondent and the Respondent and I were married to each other on May 13, 1956 in Leaksville, Mississippi. Both myself and the Respondent are each over the age of twenty-one years and were such at the time of the filing of the bill of complaint herein. I am a bona-fide resident citizen of the State of Alabama and have been such for more than one year next preceding the filing of the bill of complaint herein. The Respondent is a resident of Jacksonville, Florida. There is one minor child as issue of our marriage, Deborah Lynn Fortin, age two months. Said child lives and resides with me and I think that I am a fit and proper person to be granted her custody and control. The reason that I have not asked for any support is because of the fact that I know the Respondent will provide adequate support for the child and will do more for it if not forced into it. The Respondent has committed actual violence upon my person, attended with danger to my life and health, and from his conduct there is reasonable apprehension of such violence being inflicted upon my person if I were to ever live with the Respondent again in any respect as husband and wife. The Respondent has a very violent and mean temper which he lets get the best of him when things don't go to suit him. The Respondent has lost his temper with me on several different occasions and has struck me with his hands and fists leaving bruises on and about my body for several days at a time. The Respondent has cursed and abused me with nasty and vulgar names on more than one occasion.

Marie R. Fortin

TESTIMONY OF BERTIE KINTER, WITNESS ON BEHALF OF THE COMPLAINANT.

My name is Bertie Kinter and I have known the Complainant in this cause for several years. The Complainant is the wife of the Respondent and they were married to each other on May 13, 1956 in Leaksville, Mississippi. Both the Complainant and the Respondent are each over the age of twenty-one years and were such at the time of the filing of the bill of complaint herein. The Complainant is a bona-fide resident citizen of Mobile County, Alabama and has been such for more than one year next preceding the filing of the bill of complaint herein. The Respondent is a resident of Jacksonville, Florida. There is one minor child as issue of their marriage, Deborah Lynn Fortin, age two months. Said child lives and resides with the Complainant and she is a fit and proper person to be granted her custody and control. The Respondent has committed actual violence upon the person of the Complainant, attended with danger to her life and health, and from his conduct there is reasonable apprehension of such violence being inflicted upon the person of the Complainant if she were to ever live with the Respondent again in any respect as husband and wife. The Respondent has a very violent temper which he lets get the best of him. I have seen the Respondent become angry with the Complainant and hit her with his hands and fist. She has also shown me bruises.

Bertie Kinter
BERTIE KINTER

MARIE FORTIN

Complainant,

-vs-

DONADD JOSEPH FORTIN

Respondent.

IN THE CIRCUIT COURT OF

MOBILE COUNTY, ALABAMA.

IN EQUITY.

NO. _____

NON-RESIDENCY AFFIDAVIT

STATE OF ALABAMA |

COUNTY OF MOBILE |

Before me, the undersigned authority in and for said State and County, personally appeared MARIE FORTIN who was made known to me, and who by me first being duly sworn on oath deposes and says as follows:

That I am the WIFE of the Respondent herein and I am the Complainant in the above styled cause. The Respondent is over the age of twenty-one years and he is a non-resident of the State of Alabama. He is a resident of the State of Florida and his place of residence and post office address is, N.A.S. Cecil Field V.F. 174, Jacksonville, Florida

Marie R Fortin
AFFIANT.

Sworn and subscribed to before me on this the 21st day of October 1958.

William D. Taylor
NOTARY PUBLIC, MOBILE COUNTY, ALABAMA.

MARIE FORTIN

Complainant

No.

Vs.

DONALD JOSEPH FORTIN

Defendant

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

ANSWER AND WAIVER

Comes the defendant in the above entitled cause and for answer to the Bill of Complaint therein admits the allegations as to the ages, residences and marriage and denies each and every other allegations of said Bill of Complaint and demands strict proof thereof.

I agree that the testimony in this cause may be taken by deposition on oral examination, and waive notice of the time and place of the taking such testimony and agree that this cause may be submitted for final decree at any time. I waive all notices to which I may be entitled by law in this cause.

I further agree that Peggy Preston, may take the testimony in this cause without the issuance of a commission.

Donald J. Fortin
Defendant

Complainant agrees that Peggy Preston, may take the testimony in this cause as commissioner, without issuance of a commission.

Marie R. Fortin
Complainant

NOTE: The space below is intended for "Agreements Between the Parties".

Complainant hereby releases the Respondent from all claims of alimony and support, both temporary and permanent.

Respondent agrees that the Complainant should be granted the custody and control of Deborah Lynn Fortin,

Marie R. Fortin
COMPLAINANT

Donald J. Fortin
DEFENDANT

STATE OF FLORIDA

COUNTY OF DUVAL

I, LT R.F. BRADBERRY, USN

a NOTARY PUBLIC in and for said State and County, do

hereby certify that Donald Joseph Fortin whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me this day, that being informed of the contents of the instrument, he executed the same voluntarily on the day same bears date.

Witness my hand and seal this 30th day of October, 1958

R.F. Bradberry
LT R.F. BRADBERRY, USN

~~NOTARY PUBLIC~~ *

Filed

STATE OF FLORIDA

COUNTY OF DUVAL

Register

* Authorized to administer oaths in accordance with Article 136, Uniform Code of Military Justice, and MCM 1951.

No. _____

Vs.

ANSWER AND WAIVER

FILED

Filed, ~~NOV 16~~ **NOV 16** 19**50**, 19_____

**ALICE J. DUCK, CLERK
REGISTER**

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama,
Baldwin County.



Circuit Court, Baldwin County

No.

..... TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Donald Joseph Fortin

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against

Donald Joseph Fortin, Defendant.....

by Marie Fortin

....., Plaintiff.....

Witness my hand this 23 day of October 1958

Beise J. ..., Clerk

No. _____ Page _____

The State of Alabama

Baldwin County

CIRCUIT COURT

Plaintiffs

vs.

Defendants

Summons and Complaint

Filed _____ 19____

Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

19____

_____, Sheriff

I have executed this summons

this _____ 19____

by leaving a copy with

_____, Sheriff

_____, Deputy Sheriff

MARIE FORTIN,

Complainant.

-vs-

DONALD JOSEPH FORTIN,

Respondent.

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

NO. _____

TO THE HONORABLE JUDGES OF THE CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA, SITTING IN EQUITY:

Comes the Complainant and shows unto Your Honors and
unto this Honorable Court as follows:

ONE

Complainant is the wife of the Respondent and they
were married to each other on May 13, 1956 in Leaksville,
Mississippi. Both the Complainant and the Respondent
are over the age of twenty-one years and the Complainant
is a bona-fide resident citizen of Mobile County, Alabama
and has been such for more than one year next preceding
the filing of the bill of complaint herein. The
Respondent is a resident of Jacksonville, Florida. There
is one minor child as issue of their marriage, Deborah
Lynn Fortin, age two months. Said child lives and resides
with the Complainant and she is a fit and proper person
to be granted the custody and control of said child.

TWO

The Respondent has committed actual violence upon the
person of the Complainant, attended with danger to her life
or health, or from his conduct there is reasonable
apprehension of such violence.

PRAYER FOR PROCESS

Complainant prays that Your Honors will take jurisdiction
of this cause, will make the said Donald Joseph Fortin, party-
respondent hereto, and will cause him to appear, plead, answer
or demur hereto within the time allowed by law and the rules
of this Honorable Court.

PRAYER FOR RELIEF

Complainant further prays that Your Honors will see fit to grant her an absolute divorce from the bonds of matrimony with the Respondent, and that she be awarded the custody and control of the minor child born to their marriage, and Complainant further prays for such other, further and different relief as in equity she may be due, and as in duty bound she will ever pray, etc.


SOLICITOR FOR COMPLAINANT.