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MOORE & SIMON
ATTORNEYS AT LAW
1011-13 VAN ANTWERP BUILDING
MOBILE 12, ALABAMA
HEMLOCK 3-9526

JAMES E. MOORE
OTTO E. SIMON
LIONEL L. LAYDEN

April 22, 1959

Mrs. Alice J. Duck, Register
Circuit Court in Equity
Baldwin County
Bay Minette, Alabama

Re: Henry Tunstall v. Geraldine Tunstall
In Equity

Dear Mrs. Duck:

Will you please enter my appearance as Attorney for the Respondent in the above styled cause, and file her Answer which I am enclosing herewith. I have today mailed a copy of this answer to Mr. Norborne Stone, Attorney for the Complainant, and have asked him to accept service by noting same on the original which will be in the Court file.

Will you please keep me informed of any settings on the case.

Thanking you, I am

Very truly yours,

MOORE, SIMON & LAYDEN

BY: 

JEM:egw
encl.

HENRY TUNSTALL,
 Complainant,
 versus
 GERALDINE TUNSTALL,
 Respondent,

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IN THE CIRCUIT COURT OF
 BALDWIN COUNTY, ALABAMA
 IN EQUITY

DECREE OF DIVORCE

This cause coming on to be heard was submitted for Final Decree on behalf of the Complainant on the Bill of Complaint as amended and the testimony taken in open court and the exhibits incidental thereto as transcribed and recorded by the Court Reporter, and on behalf of the Respondent on her Answer and Cross-Bill and the Answer to the Bill of Complaint as amended and the testimony taken in open court and the exhibits incidental thereto as transcribed and recorded by the Court Reporter; and the Court having considered all of the above is of the opinion that the Complainant is entitled to the relief prayed for in his original Bill of Complaint and that the Respondent and Cross-Complainant is not entitled to the relief prayed for in her Answer and Cross-Bill, but that she is entitled to an award in lieu of all alimony and support and to the custody of the minor child of the parties hereto; it is, therefore

ORDERED, ADJUDGED and DECREED by the Circuit Court of Baldwin County, Alabama, In Equity, as follows:

1. That the Complainant, Henry Tunstall, be, and he is hereby, forever divorced from the Respondent, Geraldine Tunstall, for and on account of cruelty; and that the bonds of matrimony heretofore existing between the parties hereto be, and they are hereby, dissolved.
2. That neither party to this suit shall again marry except to each other until sixty (60) days after the rendition of this decree, and that if an appeal is taken within said time, neither party shall again marry except to each other during the pendency of said appeal.
3. That the Respondent be, and she is hereby, awarded the

care, custody and control of Barbara J. Tunstall, a minor eighteen years of age, the child born to the parties hereto; subject, however, to the right of the Complainant to visit, and to have said child visit with him, at reasonable hours and at reasonable intervals.

4. That the Complainant pay to the said Barbara J. Tunstall until she reaches the age of twenty-one years or is married, whichever shall first occur, the sum of Twelve and 50/100 Dollars (\$12.50) per week for her maintenance and support; provided, however, that if, at the time the said Barbara J. Tunstall reaches the age of twenty-one she is enrolled in a recognized college then the payments herein provided for shall not cease but shall continue during the time of such enrollment. The payments herein ordered to be made shall be made direct to the said Barbara J. Tunstall and not to the Respondent for the use and benefit of Barbara J. Tunstall.

5. That the Complainant convey to the Respondent, in lieu of all alimony and support to which she is now entitled or to which she might hereafter be entitled, the undivided one-half ($\frac{1}{2}$) interest owned by him in the following described real property situated in Baldwin County, Alabama, viz:

From the Southwest Corner of Section 20, Township 5 South, Range 2 East, run North 1,893 feet; thence East 25 feet for a beginning corner; thence East 209 feet; thence North 105 feet; run thence West 209 feet; thence South 105 feet to the place of beginning in Section 20, Township 5 South, Range 2 East, and containing one-half ($\frac{1}{2}$) acre, more or less.;

and upon his failure to do so that the Register of this Court be, and she is hereby, authorized and directed to make such conveyance in the name and place of the Complainant.

6. That the Cross-Bill of the Respondent be, and it is hereby, dismissed.

7. That the Complainant pay the cost of this proceeding, for which execution may issue.

DONE this the _____ day of January, 1960.

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, do hereby certify that the foregoing is a true and correct copy of the original decree read and approved by the Court in the above entitled cause, which said decree is on file and recorded in my office.

WITNESS MY HAND AND SEAL THIS 10th DAY OF JANUARY 1960.

Circuit Judge

care, custody and control of Barbara J. Tunstall, a minor eighteen years of age, the child born to the parties hereto; subject, however, to the right of the Complainant to visit, and to have said child visit with him, at reasonable hours and at reasonable intervals.

4. That the Complainant pay to the said Barbara J. Tunstall until she reaches the age of twenty-one years or is married, whichever shall first occur, the sum of Twelve and 50/100 Dollars (\$12.50) per week for her maintenance and support; provided, however, that if, at the time the said Barbara J. Tunstall reaches the age of twenty-one she is enrolled in a recognized college then the payments herein provided for shall not cease but shall continue during the time of such enrollment. The payments herein ordered to be made shall be made direct to the said Barbara J. Tunstall and not to the Respondent for the use and benefit of Barbara J. Tunstall.

5. That the Complainant convey to the Respondent, in lieu of all alimony and support to which she is now entitled or to which she might hereafter be entitled, the undivided one-half ($\frac{1}{2}$) interest owned by him in the following described real property situated in Baldwin County, Alabama, viz:

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and upon his failure to do so that the Register of this Court be, and she is hereby, authorized and directed to make such conveyance in the name and place of the Complainant.

6. That the Cross-Bill of the Respondent be, and it is hereby, dismissed.

7. That the Complainant pay the cost of this proceeding, for which execution may issue.

DONE this the 21 day of January, 1960.

FILED

JAN 29 1960

ALICE J. DUCK, CLERK REGISTER

Robert M. Hall

Circuit Judge

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 Geraldine Hunter Tunstall 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 Henry Tunstall, as Complainant, against Geraldine Hunter Tunstall, as Respondent.

Witness my hand this 24 day of November, 1958.


Register

HENRY TUNSTALL,	⌘	
Complainant,	⌘	IN THE CIRCUIT COURT OF
vs.	⌘	
	⌘	BALDWIN COUNTY, ALABAMA
GERALDINE HUNTER TUNSTALL,	⌘	
Respondent.	⌘	IN EQUITY.
	⌘	

TO: THE HONORABLE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY AND TO THE HONORABLE HUBERT M. HALL, JUDGE THEREOF:

Comes your Complainant, the undersigned Henry Tunstall, and respectfully represents and shows unto this Honorable Court and unto Your Honor as follows:

FIRST:

That your Complainant is over the age of twenty-one years and a resident citizen of Mobile, Mobile, Alabama, residing at 469 McCarley Street and the Respondent is over the age of twenty-one years and a resident citizen of Daphne in Baldwin County, Alabama.

SECOND:

That your Complainant and the Respondent were married on, to-wit, July 15, 1938 in Pascagoula, Mississippi and they lived together as man and wife from that time up to April 30, 1958 when

they became separated. That their separation occurred in Baldwin County, Alabama.

THIRD:

That on April 30, 1958 and on occasions prior thereto the Respondent threatened to do actual violence upon the person of your Complainant and your Complainant has reasonable apprehension that if he continues to live with the Respondent that she will do violence to his person and endanger his life and health.

FOURTH:

That there was born to your Complainant and the Respondent one child, Barbara J. Tunstall who is now sixteen years and is residing with her mother in Daphne, Alabama, on land owned jointly by the Complainant and the Respondent. That Respondent is gainfully employed and is able to support herself from her earnings.

PRAYER FOR PROCESS

The premises considered, the Complainant respectfully prays that this Honorable Court will cause the usual writ or process to issue and be served upon the Respondent requiring her to plead, answer or demur to this Bill of Complaint within the time required by law and the rules of this Honorable Court.

PRAYER FOR RELIEF

The premises considered, the Complainant further prays that on a final hearing of this cause that this Honorable Court will enter an order or decree forever divorcing the Complainant from the Respondent for and on account of the grounds hereinabove specifically set forth and that in and by the terms of said decree that both the Complainant and Respondent be allowed to remarry subject to the conditions contained in the statutes in such cases made and provided. The Complainant prays for such other, further and different relief as in the premises will be meet and proper.


Henry Tunstall

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Norborne C. Stone, Jr., a Notary Public, in and for said County in said State, personally appeared Henry Tunstall, who is known to me and who, after being by me first duly and legally sworn did depose and say under oath as follows:

That his name is Henry Tunstall and that he signed the foregoing Bill of Complaint and the facts alleged therein are true and correct.

Henry Tunstall
Henry Tunstall

Sworn to and subscribed before me
this 22nd day of November, 1958.

Norborne C. Stone, Jr.
Notary Public, Baldwin County, Ala.

HENRY TUNSTALL,	§	IN THE CIRCUIT COURT OF
Complainant,	§	BALDWIN COUNTY, ALABAMA
vs.	§	IN EQUITY.
GERALDINE HUNTER TUNSTALL,	§	
Respondent.	§	

TO: THE HONORABLE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY
AND TO THE HONORABLE HUMBERT M. HALL, JUDGE THEREOF:

Comes the Respondent in the above styled cause and for answer to the bill of complaint filed therein, and to each and every paragraph and aspect thereof, separately and severally, says as follows:

FIRST:

Respondent admits allegations of paragraphs "FIRST" and "SECOND".

SECOND:

Respondent admits so much of paragraph "FOURTH" of the complaint as regards her minor daughter, Barbara J. Tunstall, but denies the allegation that she is able to support herself from her own earnings.

THIRD:

Respondent denies the allegations contained in paragraph "THIRD" of the complaint.

FOURTH:

And, for further answer to the complaint, Respondent says that the Complainant voluntarily and of his own free will and without cause or reason given him by the Respondent, left and abandoned the bed and board of the Respondent on the occasion complained of, to-wit, April 30, 1958, and that, at that time and since then, and while this case is pending before this Honorable Court, the Complainant was and is continuing to co-habit with a woman who is not his wife and to publicly hold her out as his wife, and is continuing to commit adultery with this woman, residing with her at the address given in the complaint, namely, 469 McCarley Street, Mobile, Alabama.

And for further answer to the said bill of complaint and by way of a cross complaint the respondent, and cross complainant, says and avers that for the reasons set forth in paragraph "FOURTH" of her answer filed in this cause, all of which answers she incorporates and makes a part of this her cross bill, the complainant is not entitled to a divorce in this cause, and that his complaint ought to be dismissed. Respondent further shows the Court that, for the sake of their minor child, she does not desire a divorce, but that she is entitled to support and maintenance from the Complainant, and the payment of her attorney's fees which have been entailed as a result of this action.

WHEREFOR THE PREMISES CONSIDERED, Respondent and Cross Complainant prays that Complainant be made a party of Cross Respondent to this a Cross Bill of Complaint and that so in hearing of this cause, his bill of complaint against her be dismissed of the cost assessed against him and that the Court hold and decree that she is entitled to separate maintenance and support from the Complainant, and to the payment of her solicitor's fee occasioned by this action. And Cross Complainant prays that a further and different relief as the Court may deem just in the premises.

Geraldine Tunstall
Geraldine Tunstall

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Frankford, a Notary Public, in and for said County in said State, personally appeared Geraldine Tunstall, who is known to me and who, after being by me first duly sworn did depose and say under oath as follows:

That her name is Geraldine Tunstall and that she signed the foregoing Cross Bill of Complaint and the facts alleged therein are true and correct.

Geraldine Tunstall
Geraldine Tunstall

Sworn to and subscribed before me this 5 day of April, 1959.

Frankford
Notary Public, Baldwin County, Alabama

Notary Public, State of Alabama of large
MY commission expires Sept. 25, 1961
provided by Employers Liability Assurance
Corporation

HENRY TUNSTALL,	X	
Complainant,	X	IN THE CIRCUIT COURT OF
vs.	X	BALDWIN COUNTY, ALABAMA
GERALDINE HUNTER TUNSTALL,	X	
Respondent.	X	IN EQUITY

AMENDMENT TO COMPLAINT

Comes now the Complainant, by his Solicitors, and amends the Bill of Complaint heretofore filed in this cause by adding there- to paragraph "FIFTH" in the words following:

FIFTH:

That the Complainant and the Respondent are the joint own- ers and tenants in common (each owning an undivided one-half interest) of the following described real property situated in Baldwin County, Alabama, viz:

From the Southwest Corner of Section 20, Township 5 South, Range 2 East, run North 1,893 feet; thence East 25 feet for a beginning corner; thence East 209 feet; thence North 105 feet; thence West 209 feet; thence South 105 feet to the place of beginning in Section 20, Township 5 South, Range 2 East.

That said property consists of about one-half acre and has a house lo- cated thereon and cannot be divided in kind or equitably divided with- out a sale thereof and a distribution of the proceeds among the joint owners.

And now comes the Complainant and further amends his Bill of Complaint by amending the "PRAYER FOR RELIEF" so that the same shall read as follows:

" PRAYER FOR RELIEF

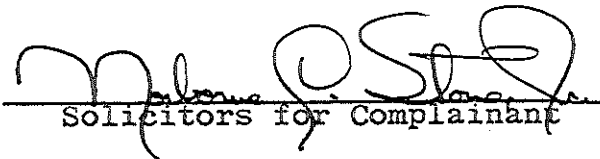
The premises considered, the Complainant further prays that on a final hearing of this cause that this Honorable Court will enter an order or decree forever divorcing the Complainant from the Respon- dent for and on account of the grounds hereinabove specifically set forth and that in and by the terms of said decree that both the Com- plainant and the Respondent be allowed to remarry subject to the con- ditions contained in the Statute in such cases made and provided. And the Complainant further prays that upon a final hearing of this cause that this Honorable Court will order that the property herein-

above described be sold by the Register at public sale for a division of the proceeds of such sale among the Complainant and the Respondent as the joint owners thereof. And the Complainant prays for such other, further and different relief as in the premises will be meet and proper.

Respectfully submitted,

CHASON & STONE

By:


Solicitors for Complainant

FILED

OCT 6 1959

ALICE J. DUCK, CLERK
REGISTER

HENRY TUNSTALL,
Complainant,
vs.
GERALDINE HUNTER TUNSTALL,
Respondent.

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

ANSWER TO AMENDMENT TO COMPLAINT:

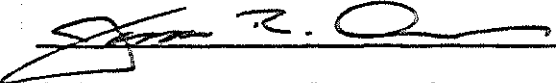
Now comes the respondent in the above styled cause and for answer to paragraph fifth of the amendment to complaint heretofore filed in this cause says:

1. She denies each and every allegation of paragraph fifth of the said amendment to complaint and demands strict proof thereof.

FILED

DEC 22 1959

ALICE J. DUCK, Register


Solicitor for Respondent.

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ANSWER TO AMENDMENT TO COMPLAINT

HENRY TUNSTALL,

Complainant,

vs.

GERALDINE HUNTER TUNSTALL,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY.

FILED
DEC 22 1959
ANICE J. DUCK, Register