

(4568)

DIVORCE DECREE

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

BETTY JOYCE PHILLIPS

Complainant

vs.

HOWARD PHILLIPS 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 Betty Joyce Phillips is forever divorced from the said Howard Phillips Jr., for and on account of Cruelty.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Respondent, Howard Phillips Jr., shall have the care, custody and control of the minor children, Julia Faye Phillips, about 3 years of age and Kevin Lloyd Phillips, age about 18 months.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Complainant, Betty Joyce Phillips, shall have reasonable rights of visitation with the minor children, Julia Faye Phillips, about 3 years of age and Kevin Lloyd Phillips, age about 18 months.

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 Howard Phillips Jr., the Respondent pay the cost herein to be taxed, for which executed may issue.

This 11th day of May 1959

Robert M. Lee

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

BETTY JOYCE PHILLIPS

Complainant

vs.

HOWARD PHILLIPS JR.,

Respondent

DIVORCE DECREE

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA
Baldwin County

Circuit Court

TO: LOIS WILSON

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 Betty Joyce Phillips and Howard Phillips

a witness in behalf of Betty Joyce Phillips
Circuit Court in Baldwin County, of said State, wherein

in a cause pending in our
Betty Joyce Phillips

and Howard Phillips Jr.,

, Complainant

Respondent

on oath, to be by you administered, upon
to take and certify the deposition of the witness and return the same to our Court, with all convenient speed, under your hand.

Witness 9 day of May

, 1959

Alvin J. Stuck
Register.

Commissioner's Fee, \$

Witness' Fees, \$

No.

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

BETTY JOYCE PHILLIPS

Complainant

VS.

HOWARD PHILLIPS JR.,

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

LOIS WILSON

WITNESSES:

BETTY JOYCE PHILLIPS

HOWARD PHILLIPS

FILED
MAY 9 1959
ALICE J. DUCK

THE STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court of Baldwin County, Alabama
(In Equity)

BETTY JOYCE PHILLIPS

COMPLAINANT

vs.

HOWARD PHILLIPS, JR.,

RESPONDENT

I, Lois Wilson

as Register and Commissioner

have called and caused to come before me Betty Joyce Phillips and Howard Phillips

witnesses named in the requirement for Oral Examination, on the 7th day of May

19 59, at the office of C. LeNoir Thompson

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

truth, the whole truth, and nothing but the truth, the said Betty Joyce Phillips and

Howard Phillips

doth depose and say as follows:

That my name is Betty Joyce Phillips, I am over the age of 21 and a resident of Baldwin County, Alabama and have been all my life. The respondent Howard Phillips Jr., is over the age of 21 and has been a resident of Baldwin County all his life. We were married first on May 21, 1955 and of that marriage two children were born, Julia Faye Phillips about 3 years of age and Kevin Lloyd Phillips, age about 18 months. We were divorced on January 27, 1959 but decided to try again and remarried on February 17, 1959. The cause of this last separation was the same as the first. We would get into an argument and the respondent would strike and abuse me so that he again placed me in fear of my life or health and I have been forced to leave him. I know this time I have done all I could toward making a go of our marriage and I know that there is no need for me to try any more therefore I will never live with him again as his wife. Since our children are being well taken care of in the home of his parents Mr. and Mrs. Howard Phillips Sr., and I have no place to take them at this time so I agree that he shall have the custody and control of these children in order that they may stay in his parents home. I desire the rights and privileges of visitation with my children and respectfully ask this Honorable Court for a divorce. We separated on or about April 28, 1959 and there are no children expected of this marriage.

Betty J. Phillips

That my name is Howard Phillips, I know both parties to this cause, they are both over the age of 21 and are residents of Baldwin County, Alabama. Their first marriage occurred on May 21, 1955 and they were divorced on January 27, 1959, however they remarried on February 17, 1959 and lived together as husband and wife until their separation occurred because of the respondents mistreatment of the complainant which placed her in fear of her life or health. This occurred on April 28, 1959. Since the complainant has no place in which to care for the children, Julia Faye Phillips, age about 3 years and Kevin Lloyd Phillips, age about 18 months, they are being left in my home and I respectfully represent that the respondent is a fit and suitable person to have their care, custody and control. I do not believe the parties to this cause will ever live together again as husband and wife.

Howard Phillips

ORAL EXAMINATION

I, Lois Wilson 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 them and they signed the same in the presence of myself and C. LeNoir Thompson 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 7th day of May, 1959 .

Lois Wilson (L. S.)

No. _____ Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

BETTY JOYCE PHILLIPS

COMPLAINANT

vs.

HOWARD PHILLIPS JR.,

RESPONDENT

ORAL DEPOSITION

Filed _____, 19 _____

_____, Register.

RECORDED IN

Record

Vol. **FILED**

MAY 9 1959

Page _____

Alice L. Duck, Register, Register.

BETTY JOYCE PHILLIPS

vs.

HOWARD PHILLIPS 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, Testimony of Betty Joyce Phillips and Howard Phillips.

and in behalf of Defendant upon Answer and Waiver

Letitia Thompson

Alicia J. [unclear]
Register.

No.

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

BETTY JOYCE PHILLIPS

vs.

HOWARD PHILLIPS JR.,

NOTE OF TESTIMONY

Filed in Open Court this

day of **FILED**, 194

MAY 9 1959

ALICE J. DJCK, Register Register.

Printed by the Baldwin Times

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summons HOWARD PHILLIPS, 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 BETTY JOYCE PHILLIPS, as Complainant and against HOWARD PHILLIPS, Jr., as Respondent.

WITNESS my hand this the 9 day of May, 1959.

Alice J. Duck
Register.

BETTY JOYCE PHILLIPS	*	IN THE CIRCUIT COURT OF
COMPLAINANT	*	BALDWIN COUNTY, ALABAMA.
VS	*	IN EQUITY.
HOWARD PHILLIPS, JR.,	*	CASE NO. <u>4568</u>
RESPONDENT	*	

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

Your Complainant, Betty Joyce Phillips, respectfully represents unto Your Honor and this Honorable Court as follows:

1.

That your Complainant is over the age of 21 and a resident of Baldwin County, Alabama; and has been more than two years next preceding; The Respondent is over the age of 21 and a resident of Baldwin County, Alabama, and has been more than two years next preceding.

2.

That your Complainant and the respondent married first on May 21, 1955 and of that marriage two children were born, Julia Faye Phillips, about 3 years of age and Kevin Lloyd Phillips about 18 months. The parties obtained a divorce on January 27, 1959 but on February 17, 1959 remarried at Bay Minette and lived together until on or about April 28, 1959.

3.

That on April 28, 1959, and on several occasions prior thereto the Respondent threatened and abused the complainant and threatened to do actual violence to her person which would necessarily endanger her life and health. The conduct of the respondent was such as to give the complainant every reasonable apprehension to believe and

she did actually believe that if she continued to live with him he would carry out his threats and do actual violence to her person, which would necessarily endanger her life and health.

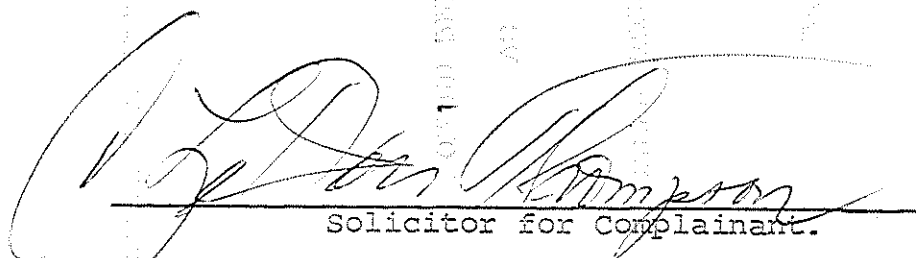
4.

Two children named herein were born as fruits of their first marriage but there have been no children born of the marriage contracted on February 17, 1959 nor are there any expected, and there is no property to be divided.

WHEREFORE, the premises considered, your Complainant prays that your Honor will by proper procedure make the said Howard Phillips, Jr., party respondent to this bill of complaint requiring him to plead, answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

Your Complainant further prays that upon a hearing hereof, your Honor will enter an order and decree granting to her an absolute decree of divorce, forever barring the bonds of matrimony existing between her and the respondent; and that a decree be made awarding to the respondent the care, custody and control of the minor children, Julia Faye Phillips, age about 3 years and Kevin Lloyd Phillips, age about 18 months; Your Complainant prays for such other, further, different or general relief as she may be in equity and good conscience entitled to receive.

*filed
May 9, 1959*


Solicitor for Complainant.

4568

IN WITNESS WHEREOF I have hereunto set my hand and the seal of the Court at New Orleans, Louisiana, this 9th day of May, 1959.

ANSWER AND WAIVER

FILED
MAY 9 1959
ALICE J. DUCK, Register

BETTY JOYCE PHILLIPS
COMPLAINANT
VS.
HOWARD PHILLIPS JR.,
RESPONDENT

HOWARD PHILLIPS JR.

ALICE J. DUCK, Register
COURT CLERK

BEFORE ME, the undersigned authority, on this 9th day of May, 1959, personally appeared HOWARD PHILLIPS JR., known to me to be the person whose name is subscribed to the foregoing petition, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

ALICE J. DUCK, Register

HOWARD PHILLIPS JR.

HOWARD PHILLIPS JR.

FILED