

4589

DIVORCE DECREE

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

Barbara Ann Eubanks, Complainant

vs.

Wesley R. Eubanks, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decree Pro Confesso on Publication 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 Barbara Ann Eubanks is forever divorced from the said Wesley R. Eubanks for and on account of

Cruelty and it is further ORDERED, ADJUDGED AND DECREED by the Court that the Complainant be and she is hereby granted the right to resume the use of her name of Barbara Ann Morris.

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 Barbara Ann Morris the Complainant pay the cost herein to be taxed, for which executed may issue.

This 6th day of August 1959

Hubert M. Jell

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

Barbara Ann Eubanks
Complainant

vs.

Wesley R. Eubanks

Respondent

DIVORCE DECREE

FILED

8-7-1959

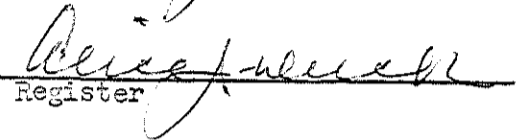
ALICE J. DICK, CLERK
REGISTERED

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

Your are hereby commanded to summons WESLEY R. EUBANKS 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 BARBARA ANN EUBANKS, as Complainant and against WESLEY R. EUBANKS, as Respondent.

Witness my hand this the 26 day of May, 1959.


Register

BARBARA ANN EUBANKS	¶	In THE CIRCUIT COURT OF
COMPLAINANT	¶	BALDWIN COUNTY, ALABAMA
VS	¶	IN EQUITY.
WESLEY R. EUBANKS)¶	
RESPONDENT	¶	

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

Comes now your Complainant and respectfully shows unto your Honor as follows:

1.

That your Complainant is a bona fide resident citizen of Baldwin County, Alabama, and is seventeen years of age; that your Respondent is a non-resident citizen of Baldwin County, Alabama and over twenty-one years of age.

2.

That Your Complainant and the Respondent were married at Loxley, Alabama on November 29, 1957, and lived together as husband and wife in Baldwin County, Alabama, until on to-wit, February 5, 1958.

3.

That on to-wit, February 5, 1958, and on various occasions prior thereto the Respondent cursed, threatened and abused your Complainant and threatened to do actual violence to her person, which would necessarily endanger her life and health; that the conduct of the Respondent was such as to give Your Complainant every reasonable apprehension to believe and she did actually

believe that if she continued to live with the Respondent he would do actual violence to her person, which would necessarily endanger her life and health.

4.

That there were no children born to the marriage between Your Complainant and the Respondent and that there is no property settlement to be made.

WHEREFORE, the premises considered, your Complainant prays that Your Honor will by proper process make the said Wesley R. Eubanks, party Respondent to this bill of complainant 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 final hearing hereof, Your Honor will enter a decree forever barring the bonds of matrimony existing between Your Complainant and the Respondent; that Your Honor will grant Your Complainant the right to resume her name of Barbara Ann Morris; Your Complainant prays for such, other, further, different or general relief as she may be in equity and good conscience entitled to receive.

filed
5/24/59

WILTERS AND BRANTLEY

BY: *Charles S. Nestor*

Substituted for Complainant

BARBARA ANN EUBANKS
COMPLAINANT
VS
WESLEY R. EUBANKS
RESPONDENT

§
IN THE CIRCUIT COURT OF
§
BALDWIN COUNTY, ALABAMA
§
IN EQUITY
§
NO. _____
§

Before me, the undersigned authority, personally appeared Barbara Ann Eubanks, who being first duly sworn, disposes and says that Wesley R. Eubanks, the Respondent in the above stated cause, is a non-resident of the State of Alabama, and that his place of residence is unknown, and that it cannot be ascertained after reasonable effort, and further that in the believe of the said affiant, the said non-resident is over the age of twenty-one years.

Barbara Eubanks

Sworn and subscribed to before me this 25th day of May, 1959.

Phillip S. Nesbit
Notary Public, State of Alabama at Large

The State of Alabama,
Baldwin County.

}

CIRCUIT COURT, IN EQUITY

No. _____ Term, 19____

Barbara Ann Eubanks _____ Complainant

Wesley R. Eubanks _____ Defendant

In this cause it appears to the Register Alice J. Duck that the order of publication heretofore made in this cause, was published for four consecutive weeks, commencing on the day of May 28, 1959, in the Baldwin Times a newspaper published in Bay Minette, Alabama, that a copy of said order was posted at the Court House door in Baldwin County, on the _____ day of _____, 19____, and

And it now further appearing to the Register Alice J. Duck, that the said

Wesley R. Eubanks

having, to the date hereof, failed to demur, plead to, or answer the Bill of Complaint in this cause, it is now, therefore, on motion of Complainant, ordered and decreed by the Register Alice J. Duck

that the Bill of Complaint in this cause be, and it hereby is in all things taken as confessed against the said Wesley R. Eubanks

This 6 day of August, 1959

30

Alice J. Duck Register.

No. _____ Page _____

The State of Alabama
BALDWIN COUNTY

Circuit Court, In Equity

Barbara Ann Eubanks

Complainant

Vs.

Wesley R. Eubanks

Respondent

Decree Pro Confesso of Publication

Issued **FILED** 19 **55**

AUG 6 1959

AMICE J. DUCK, Register

Recorded in _____ Record _____

Vol. _____ Page _____

Register.

The State of Alabama,
Baldwin County.

CIRCUIT COURT, IN EQUITY

No. _____ Term, 19__

Barbara Ann Eubanks _____ Complainant

Vs.

Wesley R. Eubanks _____ Defendant

Motion is hereby made for a Decree Pro Confesso against Wesley R. Eubanks

_____ Defendant

in the annexed stated cause on the ground that more than thirty days have elapsed since the perfection of publication was made under the order of this Court; and it having been shown by due proof to the Court that said Defendant is a non-resident of the State of Alabama, and has failed to answer, plead or demur to the Bill in this cause, to the date hereof.

This 6 day of Aug. 1957

746 Code

Watters and Brantley
By: *Phyllis S. Nesbit* _____ Solicitor.

The State of Alabama
BALDWIN COUNTY

Circuit Court, In Equity

Barbara Ann Eubanks

Complainant

Vs.

Wesley R. Eubanks

Defendant

Motion for Decree Pro Confesso
on Publication

filed ----- 19-----

FILED

AUG 6 1959 Register.

WESLEY J. DUCK, Register

Recorded in ----- Record

Vol. ----- Page -----

Register.

THE STATE OF ALABAMA
Baldwin County
IN EQUITY
Circuit Court of Baldwin County

Barbara Ann Eubanks
Complainant
vs.
Wesley R. Eubanks
Respondent

This cause is submitted in behalf of Complainant upon the original Bill of Complaint,
Decree Pro Confesso on Publication and Testimony of Barbara Ann Eubanks,
the Complainant, and Cecil Mae Morris, witness

and in behalf of Defendant upon

Walters and Brantley
By: *Walters and Brantley*

Wesley R. Eubanks
Register.

No.-----

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

Barbara Ann Eubanks

Complainant

VS.

Wesley R. Eubanks

Respondent

Note of Testimony

Filed in Open Court this-----

FILED
day of-----, 19-----
AUG 6 1959

ALICE J. DUCK, Register

MOORE PRINTING CO., BAY MINETTE, ALA.

THE STATE OF ALABAMA
Baldwin County

Circuit Court

TO: GRADY P. GILBERT, JR.

KNOW YE: That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, at such time and place as you may appoint, to call before you and examine BARBARA ANN EUBANKS AND CECIL MAE MORRIS

as witnesses in behalf of BARBARA ANN EUBANKS in a cause pending in our Circuit Court in Baldwin County, of said State, wherein

BARBARA ANN EUBANKS IS

Complainant
and WESLEY R. EUBANKS IS

Respondent

on oath, to be by you administered, upon BARBARA ANN EUBANKS AND CECIL MAE MORRIS 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 27 day of July, 1959

Alvin J. Clark
Register.

Commissioner's Fee, \$ _____

Witness' Fees, \$ _____

No. _____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

BARBARA ANN EUBANKS

Complainant

VS.

WESLEY R. EUBANKS

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

GRADY P. GILBERT, JR.

WITNESSES:

BARBARA ANN EUBANKS

CECIL M. MORRIS

BARBARA ANN EUBANKS
COMPLAINANT
VS
WESLEY R. EUBANKS
RESPONDENT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY
NO. _____

Before me, the undersigned authority, personally appeared Barbara Ann Eubanks, who being first duly sworn, disposes and says that Wesley R. Eubanks, the Respondent in the above stated cause, is a non-resident of the State of Alabama, and that his place of residence is unknown, and that it cannot be ascertained after reasonable effort, and further that in the believe of the said affiant, the said non-resident is over the age of twenty-one years.

112822

FILED

MAY 26 1959

NOTARY PUBLIC

Barbara Eubanks

Sworn and subscribed to before me this 21st day of May, 1959.

Phyllis S. Nesbit
Notary Public, State of Alabama at Large

THE STATE OF ALABAMA,
BALDWIN COUNTY

Circuit Court of Baldwin County, Alabama
(In Equity)

BARBARA ANN EUBANKS

COMPLAINANT

vs.

WESLEY R. EUBANKS

RESPONDENT

I, GRADY P. GILBERT, JR.

as ~~REGISTERED~~ Commissioner

have called and caused to come before me BARBARA ANN EUBANKS AND

CECIL MAE MORRIS

witness es named in the requirement for Oral Examination, on the 28th day of July
19 59, at the office of Wilters and Brantley

in Robertsdale, Alabama, and having first sworn said witness es to speak the
truth, the whole truth, and nothing but the truth, the said Barbara Ann Eubanks and

Cecil Mae Morris doth depose and say as follows:

My name is Barbara Ann Eubanks and I am the complainant in this case. I am 17 years old and a bona fide resident citizen of Baldwin County and have been all my life. The respondent is a non-resident citizen of Baldwin County and is over the age of 21. I and the respondent were married at Loxley, Alabama on November 29, 1957 and we lived together as husband and wife in Baldwin County, Alabama until February 5, 1958. The respondent on February 5 cursed and threatened me and I was afraid he would actually hurt me. I believed and still believe that if I had continued to live with him, he would have done me serious bodily harm and endangered my life.

Barbara Ann Eubanks

My name is Cecil Mae Morris and I am over the age of 21, also a bona fide resident citizen of Baldwin County. I am the mother of Barbara Ann Eubanks, the complainant in this case. I know of my own knowledge that Barbara and Wesley were married in Loxley on November 29, 1957 and that they lived together in Baldwin County until February 5, 1958. I know that the complainant and the respondent had very serious arguments and quarrels during the time that they lived together and that on February 5, 1958, during one of the quarrels, the respondent threatened and cursed my daughter and that she was afraid that he would actually do bodily harm to her and that my daughter left her home because she was afraid that he might endanger her health and life if she continued to live in the same house with the respondent.

Cecil Mae Morris

I, Grady P. Gilbert, Jr. 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 Phyllis S. Nesbit 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 28 day of July, 1959.
Grady P. Gilbert, Jr. (L. S.)

No. _____	Page _____
THE STATE OF ALABAMA	
BALDWIN COUNTY	
IN CIRCUIT COURT, IN EQUITY	
BARBARA ANN EUBANKS	
COMPLAINANT	
vs.	
WESLEY R. EUBANKS	
RESPONDENT	
ORAL DEPOSITION	
FILED	
Filed AUG 6 1959 _____ 19__	
ALICE J. DUCK, Register	
RECORDED IN _____	
Record _____	
Vol. _____	Page _____
Register.	

HARRY J. WILTERS, JR.
TOLBERT M. BRANTLEY
ASSOCIATE:
PHYLLIS S. NESBIT

LAW OFFICES OF
WILTERS & BRANTLEY

P. O. BOX 327
BAY MINETTE, ALABAMA

P. O. BOX 337
ROBERTSDALE, ALABAMA

PHONES
BAY MINETTE 5151
ROBERTSDALE WI 7-4682

May 25, 1959

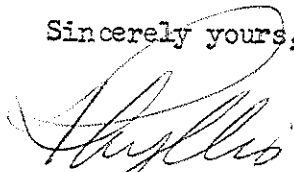
Mrs. Alice J. Duck
Register in Equity
Circuit Court of Baldwin County
Bay Minette, Alabama

Dear Mrs. Duck:

Enclosed is a petition for divorce, with affidavit of complainant regarding non-residence of Respondent and a notice to non-resident.

Since I will not be coming to Bay Minette for a while, please start this process for me.

Sincerely yours,



(Mrs.) Phyllis S. Nesbit

Encl.

THE BALDWIN TIMES

JIMMY FAULKNER
PUBLISHER

Alabama's Best County's Best Newspaper

BAY MINETTE, ALABAMA

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA.
BALDWIN COUNTY.

E. R. Morrisette, Jr. being duly sworn, deposes and says that he is the EDITOR of THE BALDWIN TIMES, a Weekly Newspaper published at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of Barbara Ann Eubanks vs. Dreeley Eubanks

COST STATEMENT

185 WORDS @ 6 1/2 cents \$ 12⁰³

I hereby certify this is correct, due and unpaid (paid).

E. R. Morrisette, Jr.
Editor.

was published in said newspaper for 4 consecutive weeks in the following issues:

Date of 1st publication May 28, 1959 Vol. 71 No. 20

Date of 2nd publication June 4, 1959 Vol. 71 No. 21

Date of 3rd publication June 11, 1959 Vol. 71 No. 22

Date of 4th publication June 18, 1959 Vol. 71 No. 22

Subscribed and sworn before the undersigned this 24 day of June, 1959

Dorothy Martin
Notary Public, Baldwin County.

E. R. Morrisette, Jr.
Editor.

NOTICE TO NON-RESIDENT

The Baldwin Times, Bay Minette, Alabama

BARBARA ANN EU BANKS

No. 4588

vs.

WESLEY R. EUBANKS

The State of Alabama,

BALDWIN County.

Circuit Court, in Equity

This the 26 day of

May, 1959

In this cause it being made to appear to the Clerk of this Court by the affidavit of

Barbara Ann Eubanks

that the Defendant Wesley R. Eubanks

~~is a non-resident of the State of Alabama and that his place of residence is unknown and that it cannot be ascertained after reasonable effort~~

and further, that, in the belief of said Affiant the Defendant is over the age of 21 years; it is, therefore, ordered that publication be made in the Baldwin Times, a newspaper published in Bay Minette, Baldwin County, Alabama, once a week for four consecutive weeks, requiring

Wesley R. Eubanks the said Respondent

to answer or demur to the Bill of Complaint in this cause by the 26th day of June 1959, or after thirty days therefrom a decree Pro Confesso may be taken against him

Wilters & Brantley
and
Phyllis Nesbitt
Solicitors For Complainant

Beisf. Duck
Register.