

4571

DIVORCE DECREE

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

BENJAMIN R. ADE

, Complainant

vs.

BERTA M. ADE

, 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 Benjamin R. Ade is forever divorced from the said Berta M. Ade for and on account of Abandonment. It is further ORDERED, ADJUDGED AND DECREED that the care, custody and control of the minor children named in the Bill of Complaint shall be vested in the Respondent.

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 Berta M. Ade the Respondent pay the cost herein to be taxed, for which executed may issue.

This 27 day of May 19 59

Hubert M. Starn

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. 44591 Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

In Circuit Court, In Equity

BENJAMIN R. ADE

Complainant

vs.

BERTHA M. ADE

Respondent

DIVORCE DECREE

*Filed
5-29-59
Birmingham
Baldwin County*

THE STATE OF ALABAMA,
BALDWIN COUNTY

Circuit Court of Baldwin County, Alabama
(In Equity)

BENJAMIN R. ADE

COMPLAINANT

vs.

BERTA M. ADE

RESPONDENT

I, Helen Bailey

as Register and Commissioner

have called and caused to come before me Benjamin R. Ade and Mrs. K. Z. Johnson

witnesses named in the requirement for Oral Examination, on the 22nd day of May
19 59, 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 Benjamin R. Ade and

Mrs. K. Z. Johnson

doth depose and say as follows:

TESTIMONY OF BENJAMIN R. ADE:

My name is Benjamin R. Ade. I am the Complainant in the above cause. The Respondent and I are both over the ages of twenty-one years. We were married in Hamburg, Arkansas on November 15, 1945 and lived together as husband and wife until on, heretofere, to-wit, March 9, 1958 when the Respondent voluntarily abandoned my bed and board. The Respondent and I have not lived together as husband and wife since that time nor in any way recognized each other as such.

Benjamin R. Ade
BENJAMIN R. ADE

TESTIMONY OF MRS. K. Z. JOHNSON:

My name is Mrs. K. Z. Johnson. I have known the Respondent and Complainant during their married life and of my own personal knowledge know that the Respondent, Berta M. Ade, voluntarily abandoned the bed and board of the Complainant on March 9, 1958 and has remained away continuously since that date.

Mrs. K. Z. Johnson
MRS. K. Z. JOHNSON

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 _____ and read over to them and they signed the same in the presence of myself and Ernest M. Bailey 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 22nd day of May, 1959.

(L. S.)

No. _____ Page _____

**THE STATE OF ALABAMA,
BALDWIN COUNTY**

IN CIRCUIT COURT, IN EQUITY

BENJAMIN R. ADE

COMPLAINANT

BERTA R. ADE

RESPONDENT

ORAL DEPOSITION

FILED

Filed _____ 19____
MAY 27 1959

ALICE J. DICK
CLERK
RECORDS & REGISTER

Register.
Record

Vol. _____ Page _____

Register.

COMMISSION TO TAKE DEPOSITIONS

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 Benjamin R. Ade and Mrs. K. Z. Johnson

a witness in behalf of Complainant
Circuit Court in Baldwin County, of said State, wherein

in a cause pending in our
Benjamin R. Ade

and Berta M. Ade

, Complainant

Respondent

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

Witness 22nd day of May

, 1959

Oliver J. Luck
Register.

Commissioner's Fee, \$

Witness' Fees, \$

No.

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

BENJAMIN R. ADE

VS.
Complainant

BERRA M. ADE

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:
Helen Bailey

CLERK,
REGISTER
WITNESSES:

Benjamin R. Ade

Mrs. K. Z. Johnson

FILED

May 27 1909

ALICE

DUCK

BENJAMIN R. ADE

Complainant

vs.

BERTA M. ADE,

Respondent

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 Benjamin R. Ade and Mrs. K. Z. Johnson

and in behalf of Defendant upon Answer and Waiver

George W. Smith
ATTORNEY FOR COMPLAINANT

Alice J. Luck
Register.

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No.-----

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

BENJAMIN R. ADE
Complainant

VS.
Berta M. Ade,
Respondent

Note of Testimony

Filed in Open Court this-----

day of-----, 19-----

Register.

MOORE PRINTING CO., BAY MINETTE, ALA.

STATE OF ALABAMA
BALDWIN COUNTY

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Berta M. Ade to appear and plead, answer or demur, within thirty days from service hereof, to the Bill of Complaint, filed against her in the Circuit Court of Baldwin County, Alabama, In Equity, by Benjamin R. Ade, as Complainant, against Berta M. Ade, as Respondent.

Witness my hand this the 27 day of May, 1959.

Alice J. Luck
REGISTER

BENJAMIN R. ADE,
Complainant
VS.

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

BERTA M. ADE,
Respondent

Comes your Complainant, Benjamin R. Ade, and files this his Bill of Complaint for divorce against Berta M. Ade, 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 Complainant and Respondent are residents of Baldwin County, Alabama and that they resided in Daphne, Baldwin County, Alabama at the time of separation.

SECOND:

That the Complainant and Respondent were married at Hamburg, Arkansas on, to-wit, November 15, 1945 and lived together as husband and wife until on, to-wit, March 9, 1958, when, on account of the matters hereinafter complained of, your Complainant lived separate and apart from Respondent. Complainant avers that the said Respondent voluntarily abandoned the bed and board of the Complainant for more than one year next preceding the filing of this Bill of Complaint, since which time your Complainant and the Respondent have not lived

together as husband and wife nor in any way recognized each other as husband and wife.

THIRD:

That there was born of this marriage between the Complainant and Respondent the following named minor children; viz:Linda Catharyn Ade, aged 13 years, Charles Richard Ade, aged 11 years and Nancy Gayle Ade, aged five years. The Complainant further avers that the Respondent now has possession of the said minor children and that she is a suitable and proper person to have the care, custody and control of the said minor children.

PRAYER FOR PROCESS AND RELIEF:

The premises considered, your Complainant prays that the above named Berta M. Ade be made a party Defendant to this cause by the usual writ or process of this Honorable Court requiring her to appear and plead, answer or demur within the time and under the penalties prescribed by the rules of this Court and under the Statutes in such cases made and provided; that upon a final hearing of this cause Your Honor will grant unto your Complainant an absolute divorce from said Respondent and will also decree that the parties be allowed to re-marry if they see fit. Complainant also prays that Your Honor will award the care, custody and control of the said minor children to the Respondent. Should your Complainant be mistaken in the relief prayed for, that there be granted to him such other, further and different relief to which he may be entitled and as in duty bound he will ever pray.

Benjamin R. Ade
COMPLAINANT

STATE OF ALABAMA)
BALDWIN COUNTY)

Before me, the undersigned authority, personally appeared Benjamin R. Ade, who, being by me first duly sworn, deposes and states on oath that the allegations contained in the foregoing instrument are true and correct.

Benjamin R. Ade
BENJAMIN R. ADE

Sworn and subscribed to before me on this the 22nd day of May,

1959.
filed May 27, 1959
Alice J. Smith, Reg. 262

Lucas M. Bailey
NOTARY PUBLIC

43-91

BENJAMIN R. ADE,

Complainant

vs.

BERTHA M. ADE,

Respondent

SUMMONS AND COMPLAINT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

FILED

MAY 27, 1959

ALICE J. DICK, CLERK
REGISTRAR

BENJAMIN R. ADE,
Complainant
vs.
BERTA M. ADE,
Respondent

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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 in said cause and each and every paragraph thereof, separately and severally, says:

1. That she admits the allegations contained in Paragraph One of the Bill of Complaint.
2. That she admits the date of marriage in Paragraph Two of the Bill of Complaint but that she denies each and every other allegation contained in said Paragraph Two and demands strict proof thereof.
3. That she admits the allegations contained in Paragraph Three of the Bill of Complaint.

The Respondent hereby accepts service of a copy of the Summons and Complaint in this cause and waives notice of the taking of testimony in said cause and waives notice of submission thereof and agrees that the testimony be taken and the cause submitted without further notice to her.

Berta M. Ade
RESPONDENT

Sworn and subscribed to before me this the 22nd day of May, 1959.

Filed May 27, 1959
Alice J. Duck
Rep.

Heleen Bailey
NOTARY PUBLIC

1959

BENJAMIN R. ADE,

Complainant

vs.

BERTHA M. ADE,

Respondent

ANSWER AND WAIVER

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

FILED

MAY 27 1959

ALICE J. DICK, CLERK
REGISTER