

SAVANNAH TAYLOR
COMPLAINANT

VS.

RUSSELL JAMES TAYLOR
RESPONDENT

IN THE CIRCUIT COURT
OF BALDWIN COUNTY, ALABAMA
IN EQUITY

BILL OF COMPLAINT

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

Comes now your Complainant, in the above styled cause and files this her Bill of Complaint of divorce, and respectfully shows unto your Honor and this Honorable Court as follows:

1.

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

2.

That the Complainant and the Respondent were married in Birmingham, Alabama, on to-wit the 28th day of May, 1949, and lived together as husband and wife, until on to-wit; the 19th day of May, 1959.

3.

That since the day of the marriage of the parties, the Respondent has become addicted to habitual drunkenness.

4.

That there was born to the marriage between the Complainant and the Respondent, two children, Connie Sue Taylor, 8 years of age, and Margaret Lou Taylor, 5 years of age. That your complainant is a fit and proper person to have the care custody and control of the said minor children, and that the respondent due to his drinking habits is unstable and is not a fit and proper person to have the care custody and control the minor children.

5.

That your Complainant has no separate estate or funds out of which to provide for maintenance or support or for the support of their minor children; that the Respondent is now drawing a disability check from the United States Government, and also a retirement check for Brooklye Air Force Base, Mobile, Alabama, and

financially able to support your Complainant and the said minors of the said marriage.

That your Complainant further avers that she has no funds out of which to pay a Solicitor for his services for the prosecution of this cause, and that the Respondent is financially able to pay the services heretofore mentioned.

PRAYER FOR PROCESS AND RELIEF

WHEREFORE, THE PREMISES CONSIDERED, Your Complainant prays that the Respondent, Russell James Taylor, be made a party Respondent to this cause by the usual writ of process of this Honorable Court requiring him 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.

Complainant further prays that upon a final hearing of this cause that your Honor will grant unto your Complainant an absolute divorce from said Respondent.

Complainant further prays that she be awarded the permanent care custody and control of the minor children, Connie Sue Taylor and Margaret Lou Taylor; that the Court will make all necessary orders and decrees as may be proper, fixing a sufficient sum of money to be paid by the respondent, to the Complainant for her support and for the support for the said minor children; and that the Court will fix a reasonable amount for the Complainant's Solicitor for representing her in this cause, and order the Respondent to pay the same.

Complainant prays for all such other further and different relief to which she may be entitled and as in duty bound she will ever pray.

Suzannah Taylor
Complainant

John V. Duck
Solicitor for Complainant

4595

SAVANNAH TAYLOR,	I	IN THE CIRCUIT COURT OF
Complainant,	I	BALDWIN COUNTY, ALABAMA,
-VS-	I	IN EQUITY.
RUSSELL JAMES TAYLOR,	I	
Respondent.	I	

ANSWER AND CROSS-BILL

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

Comes the Respondent, RUSSELL JAMES TAYLOR, and for answer to the Bill of Complaint filed in this cause, says:

FIRST:

As to Paragraph 1, Respondent admits the allegations therein.

SECOND:

As to Paragraph 2, Respondent admits the allegations therein.

THIRD:

As to Paragraph 3, Respondent denies the allegations therein and demands strict proof.

FOURTH:

As to Paragraph 4, Respondent admits the allegations as to age and sex of the children, but denies the allegation that he is unfit to have the care and custody of the children, and shows that he has a good home with a housekeeper and his sister, Lela M. Taylor, will live with him there and help with the care of the children. Respondent further shows that Complainant is not able to care for said children as she is occupied as a full-time waitress and is forced to leave the children with her sister's family in the care of her mother who is over the age of sixty-five years, and is not properly able to look after the children; and, that the children are allowed to play in the streets and remain unattended, and that it is to the best interest of said children that the Respondent has their care and custody.

FIFTH:

As to Paragraph 5, Respondent says: (1) That the Complainant is gainfully employed as a waitress which position she

took against his will, and has refused to perform her natural duties as mother to the children, preferring the high earnings she is making in her position with the Grand Hotel; (2) That the Respondent has been, and is now supporting said children and providing a home and support for his wife and children, but that the Complainant has voluntarily abandoned his bed and board and this action is not brought in good faith for either a divorce or alimony or support.

CROSS-BILL

Respondent adopts the jurisdictional allegations of Complainant's bill and by way of Cross-Bill shows that:

1. On, to-wit, the 19th day of May, 1959, the Complainant and Cross-Respondent voluntarily abandoned the bed and board of this Respondent and Cross-Complainant, taking the children of this marriage with her, and has taken the Respondent's 1953 Pontiac car (2-door Sedan);
2. The Complainant and Cross-Respondent has refused to allow this Respondent to have his children visit with him, or, to allow him to take them to the picture show, or dine with them, or keep them out of harm when they are left improperly attended by her mother;
3. The Complainant and Cross-Respondent drew all the money he had in their joint account in the Bank of Fairhope, and has taken his check which was sent him by Brookley Air Force Base, and cashed said check.
4. Cross-Complainant further shows that he has a good home and that if Complainant will not live there, he and his sister can provide a good home for the children, and that it is for the best interest of the children to be with him where they will be properly cared for, and the Complainant can visit them at reasonable times and places.
5. Respondent and Cross-Complainant shows that the Complainant did commit actual physical violence to his person by withholding from him Phenobarbital Dilantin medicine, a medication she knew was necessary to keep him from having seizures while he was confined, awaiting hospital treatment, which said withholding was actual physical violence, dangerous to his life and health.

Wherefore Respondent and Cross-Complainant prays that due notice of this bill be given to the Complainant, and that on a hearing thereof the Court will ascertain the facts herein alleged and enter an order forever divorcing him from the said Complainant and Cross-Respondent on the ground of cruelty; enter a decree providing that he have the care, custody and control of said children, subject to reasonable visitations by the Complainant and Cross-Respondent, their mother; that the Court will order the Complainant to return to him his 1953 Pontiac car.

Respondent and Cross-Complainant prays for all such other further and different relief as to equity may seem meet.

Russell James Taylor
Respondent and Cross-Complainant

[Signature]
Solicitor for Respondent and
Cross-Complainant.

Filed June 11, 1959
Alice J. Luck, Register

MAUDE WHITE, as Executrix of)
the Estate of C. L. White,)
deceased,)
Complainant,)
VS.)
JOHN B. CAMPBELL,)
Respondent.)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

DECREE OVERRULING DEMURRER

This cause coming on to be heard on this date is submitted on the respondent's demurrer to the complainant's original bill of complaint, upon consideration of all of which it is, therefore, ORDERED, ADJUDGED AND DECREED by the court as follows:

1. The respondent's demurrer to the complainant's original bill of complaint shall be and it is hereby overruled.
2. The respondent is hereby allowed twenty (20) days from the date of this decree to file further pleadings in this cause, if he shall elect so to do.

ORDERED, ADJUDGED AND DECREED on this the 16th day of June, 1964.

Hubert M. Hall

Judge

14595

DECREE OVERRULLING DEMURRER

MAUDE WHITE, as Executrix of the
Estate of C. L. White, deceased,

Complainant,

VS.

JOHN B. CAMPBELL,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

FILED

JUN 17 1933

ALICE J. DICK, CLERK
REGISTER

MAUDE WHITE, as Executrix)	IN THE CIRCUIT COURT OF
of the Estate of C. L.)	BALDWIN COUNTY, ALABAMA
White, Deceased,)	
)	IN EQUITY.
Complainant,)	
vs.)	
JOHN B. CAMPBELL,)	
)	
Respondent.)	

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

Your Complainant, Maude White, Executrix of the Estate of
C. L. White, deceased, respectfully represents and shows unto the
Court and your Honor as follows:

1. Complainant is over the age of twenty-one years and a
resident of Baldwin County, Alabama.

The Respondent is over the age of twenty-one years
and a resident of Baldwin County, Alabama.

C. L. White, Deceased, was heretofore, on, to-wit,
April 17, 1942, appointed and qualified as guardian of John B.
Campbell, the Respondent, and served as such guardian until his
death on, to-wit, June 28, 1957.

2. After the said C. L. White was appointed guardian as
aforesaid and on, to-wit, April 17, 1945, he made a partial settle-
ment of said guardianship. After the said partial settlement the
said C. L. White received the sum of \$4,467.87 as property of the
said Respondent, which sum of money was received from the Veterans
Administration for compensation to the said Respondent. The said
C. L. White disbursed from April 17, 1945, to the time of his death
on, to-wit, June 28, 1957, the sum of \$4,460.40 for the sole use
and benefit of the said Respondent. There is now a balance on hand
in the said guardianship account the sum of \$7.47.

3. On August 6, 1952, the Veterans Administration notified
the said C. L. White that he had been overpaid compensation for the
said Respondent, the sum of \$2,995.00 and was further notified that
this overpayment would have to be repaid by the said C. L. White
to the Veterans Administration. In compliance with the said notice

the said C. L. White paid to the Veterans Administration the sum of \$995.00, leaving a balance due the Veterans Administration the sum of \$2,000.00, which amount is still due and payable.

4. Your Complainant avers that all of the said overpayments made to the said C. L. White were paid to the Respondent and that the said C. L. White received no benefit from the said payments whatsoever.

5. Your Complainant avers that the only tangible asset of the said Respondent is an undivided one-third interest in and to the following described real property situated in Baldwin County, Alabama, to-wit:

Lot 12, Block 107, Hand Land Company's Addition to the Town of Bay Minette, according to the official map or plat thereof which is recorded in Deed Book 4 N. S. at pages 158 et seq., Baldwin County, Alabama Records.

6. Complainant claims of the Respondent \$2,995.00 for money from the 17th day of April, 1945, to July 11, 1952, received by the Respondent, which sum of money, with the interest thereon is still unpaid, and is the property of the Complainant.

WHEREFORE, the premises considered, Complainant makes the said John B. Campbell a party Respondent to this Bill of Complaint and prays that service be perfected upon him in the form or manner prescribed by the rules of this Honorable Court; and, upon the final hearing hereof, Complainant prays that the Court will make and enter a decree adjudging that the Respondent, John B. Campbell, is indebted to your Complainant, Maude White, as Executrix of the Estate of C. L. White, Deceased, in the amount of \$2,995.00 with interest thereon since July 11, 1952; that the Respondent is the owner of an undivided one-third interest in and to the following described property situated in Baldwin County, Alabama, to-wit:

Lot 12, Block 107, Hand Land Company's Addition to the Town of Bay Minette, according to the official map or plat thereof, which is recorded in Deed Book 4 N. S. at pages 158 et seq., Baldwin County, Alabama Records,

and that Complainant has a lien on the said interest of the said

Respondent in the said property to secure payment of the amount due from the Respondent to your Complainant; that such other orders or decrees be made and entered as may be just and proper, the premises considered.

Respectfully submitted,

J. B. Blackburn
Solicitor for Complainant.

MAUDE WHITE, as Executrix
of the Estate of C.L.
White, Deceased,

Complainant,

vs.

JOHN B. CAMPBELL,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

DEMURRER TO BILL OF COMPLAINT

Now comes the Respondent, John B. Campbell, and demurs to the Bill of Complaint filed in this cause and as grounds for such demurrer assigns, separately and severally, the following:

1. There is no equity in the Bill.
2. Said Bill does not allege that the guardianship has been settled.
3. Said Bill does not allege that the said C.L. White, deceased, has made final settlement in this cause.
4. The said Bill does not allege that Maude White, as Executrix of the Estate of C.L. White, deceased, has made final settlement in this cause.
5. That the said C.L. White, deceased, owes the Veterans Administration the sum of \$2,995.00 is a conclusion of the pleader.
6. Said Complaint alleges no judgment, note, or other legal evidences of indebtedness whereby the said C.L. White, or his Estate, is indebted to the United States Government.
7. That the said C.L. White, or his Estate, is estopped from admitting to the United States Government any indebtedness of his ward.
8. That the alleged claim as set forth in the Bill of Complaint is barred by laches.
9. The allegations that the said C.L. White received "overpayments" from the said Veterans Administration for the benefit of the Respondent is a conclusion of the pleader.
10. The Complaint does not allege that the Respondent

was not entitled to the said payments from the Veterans Administration.

II

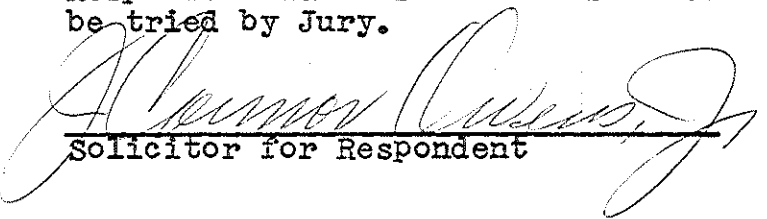
Now comes the Respondent, John B. Campbell, and demurs to that aspect of the Bill whereby the Complainant seeks to have a decree entered adjudging that the Respondent is indebted to the Complainant in the amount of \$2,995.00 with interest thereon since July 11, 1952, and the said Respondent, as grounds for the demurrer, assigns demurrers numbered 1 through 10, both inclusive, which are set out above herein just as though the same had been specifically written herein.

III

And now comes the Respondent, John B. Campbell, and demurs to that aspect of the Bill which seeks to establish a lien upon an undivided interest in certain properties described in the Bill of Complaint, and said Respondent, as grounds for the demurrer, assigns demurrers numbered 1 through 10, both inclusive, which are set out above herein just as though same had been specifically written herein.


Solicitor for Respondent

Respondent demands that this cause
be tried by Jury.


Solicitor for Respondent

MAUDE WHITE, as Executrix of)	
the Estate of C. L. White,)	IN THE CIRCUIT COURT OF
Deceased,)	
)	BALDWIN COUNTY, ALABAMA
Complainant,)	
vs.)	IN EQUITY.
JOHN B. CAMPBELL,)	
Respondent.)	

ANSWER AND CROSS BILL

Now comes the Respondent in the above styled cause and files this his answer to the Bill of Complaint filed in said cause and says as follows:

1. Respondent denies the allegations of paragraph one of the Bill of Complaint.

2. Respondent denies the allegations of paragraph two of the Bill of Complaint.

3. Respondent denies the allegations of paragraph three of the Bill of Complaint.

4. Respondent denies the allegations of paragraph four of the Bill of Complaint.

5. Respondent admits the allegations of paragraph five of the Bill of Complaint.

6. Respondent denies the allegations of paragraph six of the Bill of Complaint.

7. For further answer to the Bill of Complaint, Respondent alleges that on the 28th day of May, 1934, Letters of Guardianship were granted by the Probate Court of Baldwin County, Alabama, to C. L. White of Bay Minette, Alabama, over the Estate of John B. Campbell, a minor, said minor being the recipient of death compensation under the provisions of Public Act No. 2, as amended by Public Act No. 78, 73rd Congress, and prior laws, by reason of the death of John Brown Campbell, Sr. That subsequently, on, to-wit, the 17th day of April, 1942, the said C. L. White was granted Letters of Guardianship over the Estate of John Brown Campbell, non compos mentis, the Respondent in this cause, and the said C. L. White posted bond, as such Guardian, as required by law.

8. That on, to-wit, the 4th day of October, 1947, the incompetent ward and Respondent, John Brown Campbell, was married to Mittie Johnson by the Probate Judge of Baldwin County, Alabama. That during the period commencing on October, 1947, and until June 30, 1952, the Veterans Administration continued to pay the award of death compensation to the said C. L. White as guardian of the Estate of John Brown Campbell, an incompetent; payment of this compensation was terminated effective as of October 3, 1947, upon the discovery in July, 1952, of the marriage of the Respondent by the Veterans Administration.

9. That the said C. L. White, as guardian of the Respondent, both in his period as a minor and as an incompetent, received commissions as prescribed by law in the sum of 5% of the total payments made by the Veterans Administration to the said Respondent; that the said C. L. White was a Banker and served as guardian of several individuals entitled to receive compensation from the Veterans Administration and knew, or should have known, the rules and regulations concerning the receipts and disbursements of said funds; that further, the said C. L. White knew, or should have known, of the termination of the entitlement upon the marriage of the said incompetent, John Brown Campbell in this cause.

10. That contrary to law, the said C. L. White did not file any settlement in this cause for the period subsequent to April 17, 1945; and that this action was commenced by the Complainant in this cause without making such final settlement.

11. That the Respondent herein, upon information and belief, alleges that the said C. L. White collected for his own use and benefit, an undetermined amount of the payments allegedly made as his commission as such guardian; Respondent further alleges that the said Complainant in this cause has settled any alleged obligation to the United States of America for a lesser sum than that claimed in the Bill of Complaint.

12. For further answer to the said Bill of Complaint, the Respondent alleges that the said Complainant herein is estopped from pursuing this cause by reason of the negligence of the said C. L. White, Deceased.

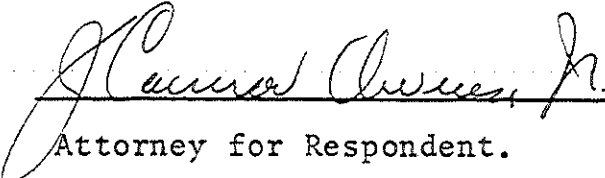
WHEREFORE, Respondent prays that this Honorable Court will take this answer as his Cross-Bill and make the Complainant a party respondent to said bill; and that this Honorable Court will require that the Complainant plead, answer or demur to this Cross-Bill within the time allowed by law and the rules of this Honorable Court. That upon a hearing of this cause that this Honorable Court will require the Complainant to make full accounting of all transactions, receipts and disbursements from April 17, 1945 to date.

Respondent further prays that this Court disallow all commissions which might be due the Estate of the said C. L. White, as guardian of the said Respondent; and Respondent prays for such other, further and different relief as in the premises will be meet and proper and to which in equity he might be entitled.

FILED

FEB 11 1955

ALICE L. DICK, CLERK
REGISTER


Attorney for Respondent.

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama,
Baldwin County.



Circuit Court, Baldwin County

No. 4595

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon JOHN B. CAMPBELL

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

JOHN B. CAMPBELL, Defendant

by MAUDE WHITE, as Executrix of the Estate of G.L. White, Deceased.

_____, Plaintiff

Witness my hand this 28 day of May 19 59

Alice J. Luck, Clerk

No. 4595

Page _____

The State of Alabama
Baldwin County

CIRCUIT COURT

MAUDE WHITE, as Executrix of the

Estate of C.L. White, Deceased

Plaintiffs

vs.

JOHN B. CAMPBELL

Defendants

Summons and Complaint

Filed May 28, 1959

Allice J. Duck

Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

3/28 1959

Sheriff

I have executed this summons

this 6-10 1959

by leaving a copy with

John B Campbell

Robert Williams Sheriff

W. A. Walker Deputy Sheriff

DM

MAUDE WHITE, as Executrix of
the Estate of C. L. WHITE,
Deceased,

Complainant,

-VS-

JOHN B. CAMPBELL

Respondent,

) IN THE CIRCUIT COURT OF
) BALDWIN COUNTY, ALABAMA
) CASE NO. 4595
)
)
)
)

ANSWER TO CROSS-BILL OF COMPLAINT

Comes now your complainant, Maude White, by Kenneth Cooper, her attorney of record, and for answer to respondent's Cross-Bill saith:

1. She neither denies nor affirms the allegations of paragraph 7 of the Cross-Bill; she demands strict proof thereof.
2. She neither affirms nor denies the allegations of paragraph 8 of the Cross-Bill; she demands strict proof thereof.
3. She denies the allegations of paragraph 9 of the Cross-Bill.
4. She denies the allegations of paragraph 10 of the Cross-Bill.
5. She denies the allegations of paragraph 11 of the Cross-Bill.
6. She denies the allegations of paragraph 12 of the Cross-Bill.

Your complainant and cross-respondent makes known she will file a full accounting as soon as sufficient records, if any, can be found.

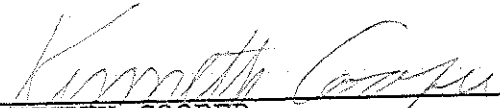


ATTORNEY FOR COMPLAINANT

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the above and foregoing ANSWER TO CROSS-BILL OF COMPLAINT on Honorable J. Connor Owens, Jr., Post Office Box 729, Bay Minette, Alabama 36507, by placing a copy of same in the United States Mail, postage prepaid and addressed to his regular mailing address.

This 8th day of September, 1978.


KENNETH COOPER
POST OFFICE BOX 1000
BAY MINETTE, ALABAMA 36507
PHONE (205) 937-7412

CIRCUIT COURT
BALDWIN CO., ALA.
FILED

SEP 8 1978

EUNICE G. TINDAL
REGISTER

MAUDE WHITE, as Executrix of
Estate of C. L. WHITE, Deceased,

Plaintiff

VS

JOHN B. CAMPBELL

Defendant

) IN THE CIRCUIT COURT OF
) BALDWIN COUNTY, ALABAMA
) CASE NO. ~~4593~~ 4595
)
)
)

PETITION TO DISMISS

Comes now the plaintiff by Kenneth Cooper, her attorney
of record, and moves this Honorable Court to dismiss this cause,
with prejudice, and as ground therefor advises the Court that
the cause has been settled between the parties.

APPROVED:

James Owens, Jr.
ATTORNEY FOR DEFENDANT

CIRCUIT COURT
BALDWIN CO., ALA.

FILED

DEC 4 1979

Kenneth Cooper
ATTORNEY FOR PLAINTIFF

EUNICE G. TINDAL
REGISTER

ORDER

The foregoing petition having been presented to the Court
and the same being understood, the Court is of the opinion the
petition should be granted. It is therefore,

ORDERED, ADJUDGED and DECREED by The Court that this cause
is hereby dismissed, with prejudice, and all Court costs are

assessed against the plaintiff for which let execution issue.

CIRCUIT COURT
BALDWIN CO., ALA.

FILED

DEC 6 1979

Ray J. Williams
CIRCUIT JUDGE

EUNICE G. TINDAL
REGISTER

Vol 156 page 371