

4709

FLOSSIE KIMMON

Vs.

JOHN E. KIMMON

CIRCUIT COURT OF
Baldwin County.

IN EQUITY

In this cause it being made to appear to the Register that on the 18
day of September, 19 59, a copy of the Bill of Complaint filed in this cause was
sent to JOHN E. KIMMON

Defendant, by registered mail, postage prepaid, marked "For delivery only to the person to whom
addressed," and return receipt demanded addressed to the Register of this Court; and that on the
23 day of September, 19 59, such receipt was duly
received and filed in this cause:

And it further appearing to the Register that the said Defendant has failed to plead, answer
or demur to the said Bill to the date hereof, it is now, therefore, on motion of Complainant, ordered,
adjudged and decreed by the Register that the said Bill of Complaint be, and it hereby is in all things
taken as confessed against the said JOHN E. KIMMON

Defendant

This the 31 day of October, 19 59

Miss J. Drake Register

No. 4709

**CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA**

In Equity.

FLOSSIE KIMMON

Vs.

JOHN E. KIMMON

**DECREE PRO CONFESSO AFTER
NOTICE BY REGISTERED MAIL**

Filed in office this _____ day of

_____, 19____

_____, Register

Entered in O. B. _____ Page _____

400 4545 - 2111 1111

FLOSSIE KIMMON		IN THE CIRCUIT COURT OF
Complainant,	:	BALDWIN
	:	MOBILE COUNTY, ALABAMA.
-vs-		IN EQUITY.
JOHN E. KIMMON	:	NO. <u>4709</u>
Respondent.		

NON-RESIDENCY AFFIDAVIT

STATE OF ALABAMA |

COUNTY OF MOBILE |

Before me, the undersigned authority in and for said State and County, personally appeared JOHN KIMMON who was made known to me, and who by me first being duly sworn on oath deposes and says as follows:

That I am the wife of the Respondent herein and I am the Complainant in the above styled cause. The Respondent is over the age of twenty-one years and he is a non-resident of the State of Alabama. He is a resident of the State of New Jersey and his place of residence and post office address is, 287 Bloomingdale Avenue, Cranford, New Jersey.

Flossie Kimmon

 AFFIANT.

Sworn and subscribed to before me on
 this the 17th day of September 1959.

[Signature]

 NOTARY PUBLIC, MOBILE COUNTY, ALABAMA.

FILED
 Sept 30 1959
 ALICE J. DUCK, CLERK REGISTER

The State of Alabama,
Baldwin County

No. 4709

CIRCUIT COURT, IN EQUITY

FLOSSIE KIMMON, Complainant

Vs.

JOHN E. KIMMON, Defendant

Motion is hereby made for a Decree Pro Confesso against

~~JOHN E.~~ JOHN E. KIMMON, Defendant

in the above stated cause, on the ground that more than thirty days have elapsed since service of summons upon said Defendant, and that said summons was duly served by Registered Mail, according to law, and that said Defendant has failed to demur, plead to or answer the Bill of Complaint in this cause to this date.

This 31 day of October, 1959.

Solicitor.

No. 4709

Page

THE STATE OF ALABAMA
Baldwin County.

Circuit Court, In Equity

FLOSSIE KIMMON

vs.

JOHN E. KIMMON

Motion For Decree Pro Confesso
After Notice By Registered Mail

Filed ~~2012~~, 19

Register.

Recorded in Record,

Vol. Page

Register.

FLOSSIE KIMMON,
Complainant,

-vs-

JOHN E. KIMMON,
Respondent.

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

NO. 4709

TO THE HONORABLE JUDGES OF THE CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA, SITTING IN EQUITY:

Comes the Complainant and shows unto Your Honors and unto
this Honorable Court as follows:

ONE

The Complainant is the wife of the Respondent and they
were married to each other on September 22, 1951 in Meridian,
Mississippi. Both the Complainant and the Respondent are each
over the age of twenty-one years. The Complainant is a bona-fide
resident citizen of the State of Alabama and has been such for
more than one year next preceding the filing of the bill of complaint
herein. The Respondent is a resident of the State of New York.
There are no children as issue of their marriage.

TWO

The Respondent voluntarily abandoned the bed and board of
the Complainant for more than one year next preceding the filing
of the bill of complaint herein.

THREE

And in the alternative, the Respondent has committed actual
violence upon the person of the Complainant, attended with danger
to her life or health, or from his conduct there is reasonable
apprehension of such violence.

PRAYER FOR PROCESS

Complainant prays that Your Honors will take jurisdiction
of this cause, will make the said John E. Kimmon, party-respondent
hereto, and will cause him to appear, plead, answer or demur hereto
within the time allowed by law and the rules of this Honorable Court.

PRAYER FOR RELIEF

Comes the Complainant and further prays that Your Honors will see fit to grant her an absolute divorce from the bonds of matrimony with the Respondent, and Complainant further prays for such other, further or different relief as in equity she may be due, and as in duty bound she will ever pray, etc.

William D. Taylor
SOLICITOR FOR COMPLAINANT.

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama,
Baldwin County.

}

Circuit Court, Baldwin County

No. 4709

..... TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon JOHN E. KIMMON

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 E. KIMMON, Defendant

by FLOSSIE KIMMON, Plaintiff

Witness my hand this 18 day of September 19 59

Miss J. Duck, Clerk

No. 4709

Page

The State of Alabama
Baldwin County

CIRCUIT COURT

FLOSSIE KIMMON

Plaintiff's

vs.

JOHN E. KIMMON

Defendants

Summons and Complaint

Filed September 18, 1959

Alice J. Duck Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

19

, Sheriff

I have executed this summons

this 19

by leaving a copy with

Sheriff

Deputy Sheriff

FLOSSIE KIMMON,
Complainant,

-vs-

JOHN E. KIMMON,
Respondent.

I IN THE CIRCUIT COURT OF
I BALDWIN COUNTY, ALABAMA
I IN EQUITY:

I
I
I NO. _____

TO THE HONORABLE JUDGES OF THE CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA, SITTING IN EQUITY:

Comes the Complainant and shows unto Your Honors and unto this Honorable Court as follows:

ONE

The Complainant is the wife of the Respondent and they were married to each other on September 22, 1951 in Meridian, Mississippi. Both the Complainant and the Respondent are each over the age of twenty-one years. The Complainant is a bona-fide resident citizen of the State of Alabama and has been such for more than one year next preceding the filing of the bill of complaint herein. The Respondent is a resident of the State of New York. There are no children as issue of their marriage.

TWO

The Respondent voluntarily abandoned the bed and board of the Complainant for more than one year next preceding the filing of the bill of complaint herein.

THREE

And in the alternative, the Respondent has committed actual violence upon the person of the Complainant, attended with danger to her life or health, or from his conduct there is reasonable apprehension of such violence.

PRAYER FOR PROCESS

Complainant prays that Your Honors will take jurisdiction of this cause, will make the said John E. Kimmon, party-respondent hereto, and will cause him to appear, plead, answer or demur hereto within the time allowed by law and the rules of this Honorable Court.

PRAYER FOR RELIEF

Comes the Complainant and further prays that Your Honors will see fit to grant her an absolute divorce from the bonds of matrimony with the Respondent, and Complainant further prays for such other, further or different relief as in equity she may be due, and as in duty bound she will ever pray, etdq


SOLICITOR FOR COMPLAINANT.

FLOSSIE KIMMON

No. _____ VS. _____

JOHN E. KIMMON

Entered on _____

Min. Book No. _____ Entry _____

~~W. J. DUCK, Register~~
ALICE J. DUCK,

ORDER OF SUBMISSION

This cause coming on to be heard, is submitted for decree on the pleadings and on the proof as noted.

Dated,

NOTE OF EVIDENCE

At the hearing of this cause the following note of evidence was taken to wit:

FOR COMPLAINANT

1. Bill of Complaint
2. Non-Residency Service Registered Mail
3. Non-Military Affidavit
4. Demand for Oral Examination
5. Decree Pro Confesso
6. Testimony of Flossie Kimmon and of Rena Myers, witness on behalf of the Complainant in this cause.

William J. Duck
Solicitor—For Complainant

FOR RESPONDENT

FILED. 10-30-54

Alice J. Duck Register

Solicitor—For Respondent

RECEIVED
 DEPARTMENT OF JUSTICE
 DIVISION OF INVESTIGATION
 OCT 21 1950
 REGISTERED MAIL
 RECEIVED
 DEPARTMENT OF JUSTICE
 DIVISION OF INVESTIGATION
 OCT 21 1950

RECEIVED
 DEPARTMENT OF JUSTICE
 DIVISION OF INVESTIGATION
 OCT 21 1950
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 OCT 21 1950
 RECEIVED
 DEPARTMENT OF JUSTICE
 DIVISION OF INVESTIGATION
 OCT 21 1950

No. _____

FLOSSIE KIMMON

Vs.

JOHN E. KIMMON

ORDER OF SUBMISSION
NOTE OF EVIDENCE

Filed _____

FILED
 OCT 21 1950
 ALICE I. DUCK, CLERK
 REGISTER

Ent. Min. No. _____ Entry _____

FLOSSIE KIMMON
Complainant,

-vs-

JOHN E. KIMMON
Respondent.

IN THE CIRCUIT COURT OF
MOBILE COUNTY, ALABAMA
BALDWIN
IN EQUITY:

NO. _____

NON-MILITARY AFFIDAVIT

STATE OF ALABAMA:

COUNTY OF MOBILE:

Comes the Complainant and shows unto this Honorable Court under oath as follows:

That I am the Complainant in the above styled cause and I am the wife of the Respondent. The Respondent is over the age of twenty-one years and the Respondent is not a member of the Armed forces of the United States of America or any of its allies.

Flossie Kimmon
COMPLAINANT.

Sworn and subscribed to before me on
this 27th day of October, 19 59.

[Signature]
NOTARY PUBLIC, MOBILE COUNTY, ALABAMA

The State of Alabama, {
Baldwin County

CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA

In Equity.

FLOSSIE KIMMON

Complainant

VS.

JOHN E. KIMMON

Defendant

The Complainant,

requests the oral examination of the following named witnesses, on behalf of the Complainant,

- viz:

Flossie Kimmon and Rena Myers,

said witnesses reside in the County of Mobile,

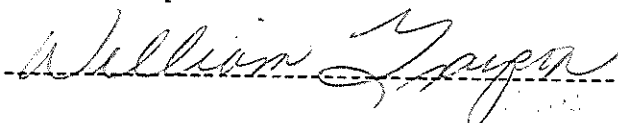
State of Alabama.

Peggy preston

who resides at

860 Donald Street, Mobile, Alabama

or, The Register of this Court is suggested as a suitable person
to be appointed Commissioner to take the deposition of said witness on such oral examination.



Solicitor for Complainant.

CIRCUIT COURT OF
Baldwin County, Alabama

IN EQUITY

Complainant

vs.

Defendant

DEMAND FOR ORAL EXAMINATION

Filed 19

Register.

THE STATE OF ALABAMA
Baldwin County

Circuit Court

TO: PEGGY PRESTON

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 FLOSSIE KIMMON AND RENA MYERS

as witnesses in behalf of Flossie Kimmon, in a cause pending in our Circuit Court in Baldwin County, of said State, wherein Flossie Kimmon

_____ , Complainant

and John E., Kimmon,

_____ Respondent

on oath, to be by you administered, upon Flossie Kimmon and Rena Myers, to take and certify the depositions of the witnesses and return the same to our Court, with all convenient speed, under your hand.

Witness m28th day of October, 194 59o

Walter J. Duck
Register.

Commissioner's Fee, \$ _____

Witness' Fees, \$ _____

THE STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court of Baldwin County, Alabama
(In Equity)

FLOSSIE KIMMON

COMPLAINANT

vs.

JOHN E. KIMMON

RESPONDENT

I, Peggy Preston

as Register and Commissioner

have called and caused to come before me FLOSSIE KIMMON AND RENA MYERS

witness es named in the requirement for Oral Examination, on the 27th day of October
1959 , at the office of 56 S. Conception Street,

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

truth, the whole truth, and nothing but the truth, the said Flossie Kimmon and Rena Myers

doth depose and say as follows:

[Faint, mostly illegible text of the deposition transcript follows]

ORAL EXAMINATION

I, Peggy S. Preston, 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 William Grayson, 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 27th day of October, 1959.
Peggy S. Preston (L.S.)

No. _____ Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

COMPLAINANT

vs.

RESPONDENT

ORAL DEPOSITION

Filed _____, 19____

_____, Register.

RECORDED IN

Record

Vol. _____ Page _____

_____, Register.

TESTIMONY OF FLOSSIE KIMMON, WITNESS ON HER OWN BEHALF:

My name is Flossie Kimmon and I am the Complainant in this cause. I am the wife of the Respondent and we were married to each other on September 22, 1951 in Meridian, Mississippi. Both myself and the Respondent are each over the age of twenty-one years. I am a bona-fide resident citizen of the State of Alabama and have been such for more than one year next preceding the filing of the bill of complaint herein. The Respondent is a resident of the State of New Jersey. There are no minor children as issue of their marriage. The Respondent has voluntarily abandoned the bed and board of the Complainant for more than one year next preceding the filing of the bill of complaint herein. When the Respondent abandoned my bed and board, we were living in Mobile, Alabama. The Respondent became angry and packed all his clothes and personal belongings and left the house. Several days later I found out that he had left town and it was quite sometime before I heard where he was. I have not lived with the Respondent in any respect as husband and wife since the first part of 1957, when he abandoned my bed and board. The Respondent and I have no intentions of ever living together as husband and wife again in any respect as husband and wife.


FLOSSIE KIMMON

TESTIMONY OF RENA MYERS, WITNESS ON BEHALF OF THE COMPLAINANT.

My name is Rena Myers and I have known the Complainant in this cause for approximately three years. The Complainant is the wife of the Respondent and they were married to each other on September 22, 1951 in Meridian, Mississippi. Both the Complainant and the Respondent are each over the age of twenty one years. The Complainant is a resident of Mobile County, Alabama, State of Alabama, and has been such for more than one year next preceding the filing of the bill of complaint herein. The Respondent is a resident of the State of New Jersey. There are no minor children as issue of their marriage. The Respondent has voluntarily abandoned the bed and board of the Complainant for more than one year next preceding the filing of the bill of complaint herein. I know of my own personal knowledge that the Complainant has not lived with the Respondent in any respect as husband and wife since I have known her which as stated above has been for approximately three years. The Complainant and I have worked together and have lived in the same apartment together part of this time, for at least the past year and I know that she has not lived with the Respondent as husband and wife since I have known her.

Rena Myers
RENA MYERS

THE STATE OF ALABAMA, ~~MOBILE~~ COUNTY

FLOSSIE KIMMON
Complainant,
No. vs.
JOHN E. KIMMON
Defendant

BALDWIN
CIRCUIT COURT — IN EQUITY
AT ~~MOBILE~~ ALABAMA
Entered on Bay Minette,
Min. Book No. _____ Entry _____

DECREE OF DIVORCE

This cause is submitted for decree on the pleadings, decree pro confesso and the testimony as shown by the note of submission on file, and on consideration, it is ordered, adjudged and decreed by the Court that the Complainant is entitled to relief, and that the bonds of matrimony heretofore existing between the Complainant and the Defendant be and the same are henceforth dissolved and annulled.

It is further ordered and decreed that Complainant and Defendant be, and hereby are permitted to again contract marriage, subject to such provision of the law as regulate the marriage of divorced persons, and in no event before the expiration of sixty days after the rendition of this decree.

It is further ordered that COMPLAINANT
pay the cost of this suit, for which execution may issue.

Dated, November 21, 1959
Robert M. Stee
Judge

FILED
NOV 2 1959
ALICE L. DUCK, CLERK
REGISTER

41969

CIRCUIT COURT OF MOBILE COUNTY
Baldwin
IN EQUITY

AT MOBILE, ALABAMA
Bay Minette,

No. _____

FLOSSIE KIMMON
VS.

JOHN E. KIMMON

DECREE

FILED

NOV 2 1959

Entered on _____

Min. Book No. ALICE J. DUCK, CLERK
REGISTRY Entry _____