

4718

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

LULA MAE CARNLEY

Complainant

vs.

JAMES EVERETT CARNLEY

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 Lula Mae Carnley is forever divorced from the said James Everett Carnley for and on account of

Cruelty - It is further ordered, adjudged and decreed that the Complainant be and she is hereby awarded the permanent care, custody and control of the child born to the union of said parties, namely, Susan Elizabeth Carnley, a girl, now about five years old; with Respondent being hereby awarded reasonable rights of visitation. It is further ordered, adjudged and decreed that the Respondent pay to the Complainant the sum of \$20.00 each week for the support and maintenance of said minor child; said payments to commence immediately.

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 Lula Mae Carnley the Complainant pay the cost herein to be taxed, for which executed may issue.

This 8 day of December 1958

Hubert M. Hall

Judge Circuit Court, In Equity.

I, Alice J. Duck, 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 8 day of December 1958

Alice J. Duck Register of Circuit Court, In Equity.

EXHIBIT "A"

No. ----- Page -----

**THE STATE OF ALABAMA
BALDWIN COUNTY**

In Circuit Court, In Equity

Complainant

vs.

Respondent

DIVORCE DECREE

LULA MAE CARNLEY, individually
and as legal custodian of Susan
Elizabeth Carnley, a minor,
Petitioners,

vs

JAMES EVERETT CARNLEY,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

No. 4718

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

Comes your Petitioner Lula Mae Carnley, individually and
as legal custodian of Susan Elizabeth Carnley, ^{a minor,} and respectfully
shows unto your Honor as follows:

FIRST: That your Petitioner is over the age of twenty-one
years and a bona fide resident of the County of Baldwin, State of
Alabama.

SECOND: That the Respondent is over the age of twenty-one
years and is a resident of the City of Alexandria, State of Louisiana,
and is employed by Television Broadcasting Station "KALB", in the
City of Alexandria, Louisiana.

THIRD: That your Petitioner and the Respondent were
married in the City of Fairhope, Baldwin County, Alabama, on the
2nd day of April, 1953; that to this union was born a daughter,
Susan Elizabeth Barnley, who is five years of age and is in the
care and custody of your Petitioner.

FOURTH: That your Petitioner obtained in the Circuit Court
of Baldwin County, Alabama, on December 8th, 1958, a decree of
divorce, which said decree ordered the Respondent to pay to your
Petitioner the sum of TWENTY (\$20.00) DOLLARS each week, for the
support and maintenance of the said Susan Elizabeth Carnley, minor
child; a certified copy of said decree, marked Exhibit "A", is
attached hereto and by reference made a part of this Petition.

FIFTH: That the Respondent has failed, neglected and
refused to provide support for the said minor child, as ordered
and directed under and by the said decree, and that such failure,

neglect and refusal has continued for a long period of time, in that since the 6th day of August, 1959, the said Respondent has not contributed towards the support of the said minor child.

SIXTH: That your Petitioner lives in the Town of Robertsdale, Alabama, with her parents, and is employed in the City of Fairhope, Alabama, and that to continue such employment it is necessary on the part of your Petitioner to employ a "baby sitter" to care for said minor child while your Petitioner is employed, and that practically the entire amount fixed by the said decree is consumed by such employment; that the said Respondent is employed by the said Television Broadcasting Station "KALB", in the City of Alexandria, Louisiana, at a salary of ONE HUNDRED (\$100.00) DOLLARS per week, or a monthly earning in excess of FOUR HUNDRED (\$400.00) DOLLARS.

SEVENTH: That the said Respondent is now eight weeks in arrears on the payments due under the order of the said decree of divorce; and in order for your Petitioner to support and maintain the said minor child the back payments amounting to ONE HUNDRED SIXTY (\$160.00) DOLLARS, in addition to the sum of TWENTY (\$20.00) DOLLARS per week (as fixed by the decree) will be required for such support of the minor child.

EIGHTH: That under Act No. 879 of the Acts of Alabama, approved September 12th, 1951, as amended by Act No. 823, 1953 Legislature (Uniform Reciprocal Enforcement of Support Act), your Petitioner, as the legal custodian of said minor child, is entitled to a Certificate of this Court that the Respondent owes a duty of support of the said minor child, under the said divorce decree, and that it is necessary that such a Certificate be made in order that the Ninth Judicial District Court, Parish of Rapides, State of Louisiana, may obtain jurisdiction of the Respondent, or his property, and that this Court cause certified copies of this petition and the papers annexed thereto, said Certificate of this Court and an authenticated copy of said Act be transmitted to the Court of the responding State.

WHEREFORE, your Petitioner prays that this Honorable

Court will certify that this petition sets forth facts from which it may be determined by the Ninth Judicial District Court, Parish of Rapides, State of Louisiana, that the Respondent owes a duty of support to the said Susan Elizabeth Carnley, a minor child, under orders of a final decree of this Court, and cause three certified copies of this petition, such Certificate of the Court, together with a duly authenticated copy of said Act, as amended, be transmitted to the Clerk of the Ninth Judicial District Court, Parish of Rapides, State of Louisiana, Alexandria, Louisiana, for further procedure under the Reciprocal Laws of the State of Louisiana.

Your Petitioner prays for such other, further or different relief she may in equity and good conscience be entitled to receive.

Lula Mae Carnley
Petitioner

STATE OF ALABAMA
BALDWIN COUNTY

Before me, the undersigned authority in and for said State and County, personally appeared Lula Mae Carnley, who being by me first duly sworn deposes and says: that she is the Petitioner in the above entitled cause, that she has read the foregoing petition, that she has knowledge of the facts set out therein, and that the same are true.

Lula Mae Carnley

Sworn to and subscribed before me on this the 5th day of October, 1959.

FILED

OCT 5 1959

ALICE J. DUCK, CLERK
REGISTER

John P. Beebe
Notary Public

ALABAMA'S RECIPROCAL ENFORCEMENT OF SUPPORT ACT

(Compiled from Act No. 879, General Acts
of Alabama 1951 and Act No. 823, General
Acts of 1953)

Authorizing and prescribing the procedure for civil proceedings to compel the support of certain persons within and without the state by other persons under a legal obligation to support them.

Section 1. PURPOSES. The purposes of this act are to improve and extend by reciprocal legislation the enforcement of duties of support and to make uniform the law with respect thereto. (1951)

Section 2. DEFINITIONS. As used in this act unless the context requires otherwise,

(1) "State" includes any state, territory or possession of the United States and the District of Columbia in which this or a substantially similar reciprocal law has been enacted.

(2) "Initiating state" means any state in which a proceeding pursuant to this or a substantially similar reciprocal law is commenced.

(3) "Responding state" means any state in which any proceeding pursuant to the proceeding in the initiating state is or may be commenced.

(4) "Court" means the circuit court in equity and when the context requires, means the court of any other state as defined in a substantially similar reciprocal law.

(5) "Law" includes both common and statute law.

(6) "Duty of support" includes any duty of support imposed or imposable by law, or by any court order, decree or judgment, whether interlocutory or final, whether incidental to a proceeding for divorce, judicial separation, separate maintenance or otherwise.

(7) "Obligor" means any person owing a duty of support.

(8) "Obligee" means any person to whom a duty of support is owed. (1951)

Section 3. REMEDIES ADDITIONAL TO THOSE NOW EXISTING. The remedies herein provided are in addition to and not in substitution for any other remedies. (1951)

Section 4. EXTENT OF DUTIES OF SUPPORT. Duties of support arising under the law of this state when applicable under Section 7 hereof, bind the obligor present in this state, regardless of the presence or residence of the obligee. (1953)

Section 5. INTERSTATE RENDITION. The Governor of this state (1) may demand from the Governor of any other state the surrender of any person found in such other state who is charged in this state with the crime of failing to provide for the support of any person in this state and (2) may surrender

on demand by the Governor of any other state any person found in this state who is charged in such other state with the crime of failing to provide for the support of a person in such other state. The provisions for extradition of criminals not inconsistent herewith shall apply to any such demand although the person whose surrender is demanded was not in the demanding state at the time of the commission of the crime and although he had not fled therefrom. Neither the demand, the oath nor any proceedings for extradition pursuant to this section need state or show that the person whose surrender is demanded has fled from justice, or at the time of the commission of the crime was in the demanding or the other state. (1951)

Section 6. RELIEF FROM THE ABOVE PROVISIONS. Any obligor contemplated by Section 5, who submits to the jurisdiction of the court of such other state and complies with the court's order of support, shall be relieved of extradition for desertion or non-support entered in the courts of this state during the period of such compliance. (1951)

Section 7. CHOICE OF LAWS. Duties of support under this Act are those imposed or imposable under the laws of any state where the obligor was present during the period for which support is sought. The obligor is presumed to have been present in the responding state during the period for which support is sought unless otherwise shown. (1953)

Section 8. REMEDIES OF A STATE OR POLITICAL SUBDIVISION THEREOF FURNISHING SUPPORT. Whenever the state or a political subdivision thereof has furnished support to an obligee it has the same right to invoke the provisions hereof as the obligee to whom the support was furnished for the purpose of securing reimbursement of expenditures so made and of obtaining continuing support. (1953)

Section 9. HOW DUTIES OF SUPPORT ARE ENFORCED. All duties of support are enforceable by petition irrespective of relationship between the obligor and obligee. Jurisdiction of all proceedings hereunder shall be vested in the circuit court in equity.

A petition on behalf of a minor obligee may be brought by a person having legal custody of the minor without appointment as guardian.

In any proceeding under this Act the court may order interrogatories or depositions to be taken within or without the state, pursuant to the provisions of law applicable to a court of record.

The court, whether acting as an initiating state or a responding state, may direct the circuit solicitor or some other prosecuting attorney for the state to represent the plaintiff in any proceeding under this Act.

Participation in any proceeding under this Act shall not confer upon any court jurisdiction of any of the parties thereto in any other proceeding. (1953)

Section 10. CONTENTS OF PETITION FOR SUPPORT. The petition shall be verified and shall state the name and, so far as known to the petitioner, the address and circumstances of the respondent and his dependents for whom support is sought and all other pertinent information. (1951)

Section 11. DUTY OF COURT OF THIS STATE AS INITIATING STATE.

(a) If the court of this state acting as an initiating state finds that the petition sets forth facts from which it may be determined that the respondent owes a duty of support and that a court of the responding state may obtain jurisdiction of the defendant or his property, it shall so certify and shall cause three copies of (1) the petition, (2) its certificate and (3) this act to be transmitted to the court in the responding state.

If the name and address of such court is unknown and the responding state has an information agency comparable to that established in the initiating state it shall cause such copies to be transmitted to the state information agency or other proper official of the responding state, with a request that it forward them to the proper court, and that the court of the responding state acknowledge their receipt to the court of the initiating state.

(b) When the court of this state, acting as an initiating state, has reason to believe that the respondent may flee the jurisdiction it may request in its certificate that the court of the responding state obtain the body of the respondent by appropriate process if permissible under the law of the responding state. (1953)

Section 12. DUTY OF THE COURT OF THIS STATE AS RESPONDING STATE.

(a) When the court of this state, acting as a responding state, receives from the court of an initiating state the aforesaid copies, it shall (1) docket the cause, (2) notify the circuit solicitor, (3) set a time and place for a hearing, and (4) take such action as is necessary in accordance with the laws of this state to obtain jurisdiction.

(b) Any order of support issued by a court of this state when acting as a responding state shall not supersede any previous order of support issued in a divorce or separate maintenance action, but the amounts for a particular period paid pursuant to either order shall be credited against amounts accruing or accrued for the same period under both.

(c) If a court of this state, acting as a responding state, is unable to obtain jurisdiction of the respondent or his property due to inaccuracies or inadequacies in the petition or otherwise, the court shall communicate this fact to the court in the initiating state, shall on its own initiative use all means at its disposal to trace the respondent or his property, and shall hold the case pending the receipt of more accurate information or an amended petition from the court in the initiating state. (1953)

Section 13. ORDER OF SUPPORT. If the court of the responding state finds a duty of support, it may order the respondent to furnish support or reimbursement therefor and subject the property of the respondent to such order. (1953)

Section 14. RESPONDING STATE TO TRANSMIT COPIES TO INITIATING STATE. The court of this state when acting as a responding state shall cause to be transmitted to the court of the initiating state a copy of all orders of support or orders for reimbursement therefor. (1951)

Section 15. ADDITIONAL POWERS OF COURT. (a) In addition to the foregoing powers, the court of this state when acting as the responding state has the power to subject the respondent to such terms and conditions as the court may deem proper to assure compliance with its orders and in particular: (1) To obtain the body of the respondent by appropriate process when it has reason to believe that the respondent may flee the jurisdiction. (2) To require the respondent to furnish recognizance in the form of a cash deposit or bond of such character and in such amount as the court may deem proper to assure payment of any amount required to be paid by the respondent. (3) To require the respondent to make payment at specified intervals to the register of the court or the obligee and to report personally to such register at such times as may be deemed necessary. (4) To punish the respondent who shall violate any order of the court to the same extent as is provided by law for contempt of court in any other suit or proceeding cognizable by the court.

(b) A court of this state acting either as an initiating or responding state may in its discretion direct that any part of or all fees and costs incurred in this state, including without limitation by enumeration, fees for filing, service of process, seizure of property, and stenographic service of both petitioner and respondent, or either, shall be paid by the state. Where the action is brought by or through the state or an agency thereof there shall be no filing fee. Security for costs may or may not be required when the petition is filed by or on behalf of a non-resident dependent, as the court may in its discretion direct. (1953)

Section 16. ADDITIONAL DUTIES OF THE COURT OF THIS STATE WHEN ACTING AS A RESPONDING STATE. The court of this state when acting as a responding state shall have the following duties which may be carried out through the register of the court:

(a) Upon the receipt of a payment made by the respondent pursuant to any order of the court or otherwise, to transmit the same forthwith to the court of the initiating state, and

(b) Upon request to furnish to the court of the initiating state a certified statement of all payments made by the respondent. (1951)

Section 17. ADDITIONAL DUTY OF THE COURT OF THIS STATE WHEN ACTING AS AN INITIATING STATE. The court of this state when acting as an initiating state shall have the duty which may be carried out through the register of the court to receive and disburse forthwith all payments made by the respondent or transmitted by the court of the responding state. (1951)

Section 18. EVIDENCE OF HUSBAND AND WIFE. Laws attaching a privilege against the disclosure of communications between husband and wife are inapplicable to proceedings under this act. Husband and wife are competent witnesses to testify to any relevant matter, including marriage and parentage. (1951)

Section 19. SEVERABILITY. If any provision hereof or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable. (1951)

Section 20. EFFECTIVE DATE. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law. (1951 and 1953)

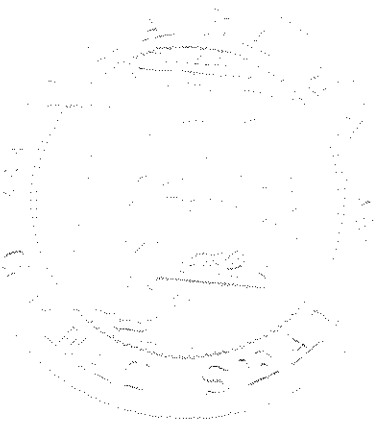
Section 20. EFFECTIVE DATE. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law. (1951 and 1953)

November, 1955

I, Mary Texas Hurt, Secretary of State of the State of Alabama, do hereby certify that the above pages contain a true, accurate and literal copy of Act No. 879 of the 1951 Regular Legislative Session, as amended by Act No. 823 of the 1953 Regular Legislative Session.

IN TESTIMONY WHEREOF, I have herewith set my hand and affixed the Great Seal of the State at the Capitol in the City of Montgomery, this 26th day of October, 1956.

Mary Texas Hurt
SECRETARY OF STATE



LULA MAE CARNLEY, individually
and as legal custodian of Susan
Elizabeth Carnley, a minor,
Petitioners,

vs

JAMES EVERETT CARNLEY,
Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

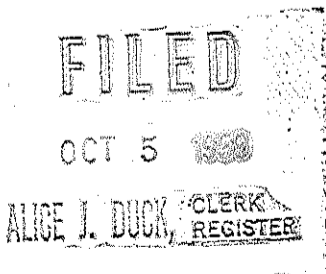
No. _____

CERTIFICATE AND ORDER

This cause coming on to be heard was submitted upon the Petition of Lula Mae Carnley, Individually and as legal custodian of Susan Elizabeth Carnley, a minor, for a determination by the Court that James Everett Carnley owes a duty of support to the said Susan Elizabeth Carnley, minor child, and upon consideration thereof, the Court does hereby certify that the Petition sets forth facts from which it may be determined that the Respondent, James Everett Carnley owes a duty of support to the said minor child, and in order that the Ninth Judicial District Court, Parish of Rapides, State of Louisiana, may obtain jurisdiction of the above named Respondent, or his property,

IT IS HEREBY ORDERED that certified copies of the Petition and exhibit, this Order, and an authenticated copy of the Act No. 879 of the Acts of Alabama, Approved September 12th, 1951, as amended by Act No. 823, 1953 Legislature, be forthwith transmitted to the Ninth Judicial District Court, Parish of Rapides, State of Louisiana, located at Alexandria, Louisiana.

This the 5 day of October, 1959.



Hubert M. Hall

Judge Circuit Court, In Equity.

LULA MAE CARNLEY ET AL
COMPLAINANT

VS.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

JAMES EVERETT CARNLEY
RESPONDENT

IN EQUITY, CASE NO. 4718

DECREE

It appearing to the Court that the above cause is inactive, upon consideration, it is ORDERED, ADJUDGED and DECREED by the Court that said cause be and hereby is transferred to the inactive docket of this Court, and

It further appearing to the Court that the execution for costs against the Defendant was returned by the Sheriff of this County, "No Property Found", it is therefore, ORDERED and DECREED by the Court that the costs be and hereby are now taxed against the State of Alabama pursuant of Section 119, (b), Title 34, 1955 Cumulative Pocket Parts, Code of Alabama.

This 5th day of January, 19 62.



Judge Circuit Court, In Equity.