

4764
JOHN V. DUCK
ATTORNEY AT LAW
FAIRHOPE, ALA.

October 26th, 1959

Mrs. Alice J. Duck
Clerk of Circuit Court
Baldwin County, Ala.

Dear Mrs. Duck:

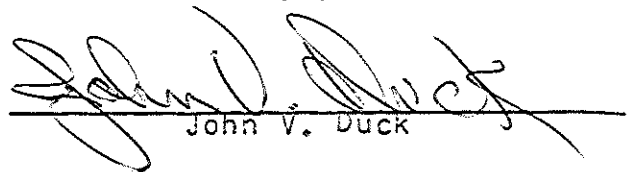
Enclosed you will find a Petition for Modification
of a decree of divorce.

Would you please have the Complainant served with
a copy of the Petition and kindly let Judge Hall read a
copy before it is taken to the Sheriff.

I would like very much to have the Welfare Agency
investigate this case, if Judge Hall thinks it is adviseable
and for the Welfare of the children.

Please let me hear from this as soon as possible,
because I understand the children are in want.

Sincerely yours,


John V. Duck

JVD:oq
Encl:

P.S. - Also find answer in
Royal Finance - vs - Beatrice Seaman

CECIL G. CHASON

ATTORNEY-AT-LAW
FOLEY, ALABAMA

December 8, 1959

Mrs. Alice J. Duck, Register
Bay Minette, Alabama

Re: Ezell -vs- Ezell

Dear Mrs. Duck:

I am enclosing herewith Demurrers to a petition for amendment in the above styled cause, and am sending a copy thereof to John Duck, Solicitor of record.

Yours very truly,


C. G. Chason

CGC:fm

encls. 1

cc: Mr. John Duck
Attorney at Law
Fairhope, Alabama

MOLLY ESTELL EZELL,)	
)	
Complainant,)	IN THE CIRCUIT COURT OF
)	
-vs-)	BALDWIN COUNTY, ALABAMA
)	
RUBIN LEE EZELL,)	IN EQUITY
)	
Respondent.)	No. 4764

DEMURRER

Comes Molly Estell Ezell, who is designated as Complainant in the above styled cause, and demurs to the petition heretofore filed therein, and each count, paragraph and aspect thereof, separately and severally, and as grounds for demurrers, sets out, separately and severally the following:

1. That the Petition is mis-styled.
2. That the said Molly Estell Ezell is erroneously shown as the Complainant.
3. That there is no suit pending, nor any suit heretofore filed in the Circuit Court of Baldwin County, Alabama, in Equity Sitting, wherein Molly Estell Ezell is the Complainant, and Rubin Lee Ezell is the Respondent.
4. That there has been no Decree entered by the Circuit Court of Baldwin County, Alabama, which is subject to modification.
5. That the Petition is incomplete in that the Certified Copy of a Decree of Divorce referred to in Paragraph 2 of said Petition, and specifically made a part thereof, is not attached to the copy of the Complaint served upon the said Molly Estell Ezell.
6. That there is a misnomer in the Prayer for Process, in that this Petition is referred to as a cause of action.
7. That the Petition is not sworn to or verified.
8. That improper relief is prayed in the Prayer for Relief.

Filed
12-9-59


Solicitor for Molly Estell Ezell

IV

That your Respondent and Petitioner, further avers that since the rendition of said divorce decree that the Complainant, Molly Estell Ezell, has not properly cared for the said minor children in that:

That they are not properly fed nor clothed; that they are left alone without proper supervision for long period of time; that the children are ill and are denied medical attention; that your Respondent was ordered to pay to the said Complainant the sum of Thirty -one (\$31.00) Dollars per week for the support of the said minor children, and that the Complainant is now spending the said money for an automobile, and not for medical care or food or clothing for the said minor children; that the minor daughter Frances Marie Ezell suffers from asthma and is receiving no medical aid for her condition.

V

The Respondent further avers that he has a comfortable place for the said minor children to live in the State of Texas, where they will have suitable food, clothing and medical care, and the Respondent further says that he is a fit and proper person to have the care, custody and control of his said minor children.

VI

Your Petitioner further avers that since he is a non-resident of the State of Alabama, and cannot properly investigate or supervise the rearing of his said children, that he verily believes that it would be to the best interest of the children to have the Welfare Department of the State of Alabama to investigate the said conditions now existing over his minor children.

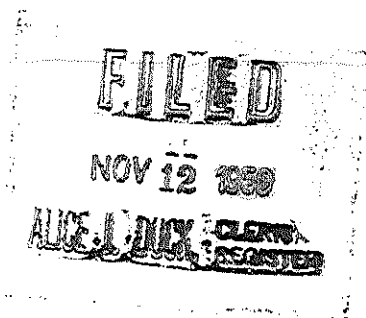
PRAYER FOR PROCESS AND RELIEF

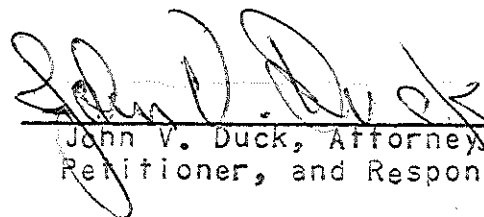
WHEREFORE, the premises considered, your Petitioner prays that your Honor will by proper process make the said Molly Estell Ezell, a proper party to this cause of action, requiring him to plead, answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

Your Petitioner further prays that upon a final hearing of this cause, your Honor will enter a Decree modifying the divorce decree heretofore referred to and rendered by the District Court of Galveston County, Texas, on the 9th day of January, 1959, so as to grant the Respondent the permanent care, custody and control of the heretofore mentioned minor children, and will decree that the Respondent may return to the State of Texas with the said children.

Your Petitioner further prays that Your Honor will request to the State Agency of the County Welfare to investigate the conditions forthwith, concerning his minor children so that they may receive proper medical care until a final decree in this cause may be entered.

The Respondent prays for such other, further, or different relief as in the premises he maybe entitled to receive.




John V. Duck, Attorney for
Petitioner, and Respondent

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama,

Circuit Court, Baldwin County

Baldwin County.

No. 4764

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon MOLLY ESTELL EZELL

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

MOLLY ESTELL EZELL

, Defendant

by

RUBIN LEE EZELL

, Plaintiff

Witness my hand this 12 day of

Nov 19 57

Price L. Welch, Clerk

No. _____ Page _____

The State of Alabama

Baldwin County

CIRCUIT COURT

RUBIN LEE EZELL

Plaintiffs

vs,

MOLLY ESTELL EZELL

Defendants

Summons and Complaint

Filed _____ 19____

Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

200 Orchid St. Foley, Ala.

Received In Office

19____

, Sheriff

I have executed this summons

this _____ 19____

by leaving a copy with

Sheriff

Deputy Sheriff