

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

Sim Dunn, Jr, Complainant

vs.

Geneva Moody Dunn, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree of Divorcement~~ 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 Sim Dunn, Jr is forever divorced from the said Geneva Moody Dunn for and on account of Abandonment

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 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 Sim Dunn, Jr the Complainant pay the cost herein to be taxed, for which executed may issue.

This 6th day of January 1960

Robert 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 day of January, 1960

Register of Circuit Court, In Equity.

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No. .... Page .....

THE STATE OF ALABAMA  
BALDWIN COUNTY

In Circuit Court, In Equity

Complainant

vs.

Respondent

DIVORCE DECREE

FILED

JAN 6 1960

ALICE J. DUCK, Register

# CERTIFICATE

I, Carolyn Fairley, the Commissioner ~~Appointed by the Court and named~~  
~~in the attached commission~~ named by agreement of the parties, in that certain cause now pending in  
the Honorable Circuit Court of ~~Mobile~~ <sup>Baldwin</sup> ~~County~~ <sup>Mobile</sup> County, Alabama, Sitting in Equity, No. 4774, wherein  
SIM DUNN, JR. is Complainant, and GENEVA MOODY DUNN

is Respondent, under and by virtue of the power conferred upon me by said Commission or agreement as  
such commissioner, caused Sim Dunn, Jr., and Loretta McReynolds Moore

who ~~were~~ <sup>xxx</sup> made known to me, to come before me at 3:25 o'clock P. M., on January 4th, 1960  
19 60, at 207 Van Antwerp Building, Mobile, Alabama; that said witnesses were first duly sworn

by me as stated; that they were then examined by Walter J. Lee, Solicitor for the  
Complainant ~~xxx and cross examined by~~

~~Solicitor for~~  
~~Respondent and~~ ~~xxx~~ ~~and they testified in~~  
~~response thereto as is hereinabove written; and the testimony was by me reduced to writing as given~~

by said witnesses in narrative form, and as near might be the identical language of said witnesses, and  
that, after said testimony had been so reduced to writing, it was by me read over to said witnesses; ~~xxx~~  
~~xxx and signed same, who refused to sign same, who was physically unable to sign same, or~~  
waived the reading and signing of same, in my presence and in the presence of said Solicitor for

~~Solicitor for~~  
Complainant, ~~and~~ ~~xxx~~ ~~and~~ ~~xxx~~ ~~Attorney Ad Litem for~~

I further certify that I am not of counsel or kin to any of the parties to the said cause, and am not  
in anywise interested in the result thereof, and that the depositions are true and correct as given by  
the witnesses.

Witness my hand this 5th day of January, 1960

Mrs. Carolyn Fairley  
Commissioner

SIM DUNN, JR., Complainant, a witness in his own behalf, being first duly sworn, deposes as follows:

My name is Sim Dunn, Jr., I am fifty years of age, having been born on November 23, 1909, at Mobile, Alabama. I have lived in the City and County of Mobile, State of Alabama, all of my life. I live at 679 South Cedar Street, City and County of Mobile, State of Alabama. I work at Alabama Dry Docks and Ship Building Corporation as an inside boiler scaler, and I have been so employed for about thirty-three years.

My wife, Geneva Moody Dunn, is over the age of twenty-one years, and is about in her middle forties. She is a non-resident of the State of Alabama, now living at 30 Pulaski Street, Brooklyn 6, New York. She has lived up there about twenty-five years. My wife and I were married on February 2, 1932, in the City and County of Mobile, State of Alabama, and we have no children born of our marriage.

After my wife and I were married in February 2, 1932, we lived together for about one year at her sisters house on Bayou and Elmira. She up and left me, and has been gone every since. I don't remember the exact date she left, but it has been over twenty-five years ago. My wife voluntarily abandoned my bed and board in the City and County of Mobile, State of Alabama, and such abandonment has been continuous and uninterrupted for a period of more than one year next immediately preceding the filing of this bill for divorce. My wife abandoned my bed and board without any fault or consent on my part and she has lived separate and apart from me since she abandoned me, and I have had no relations with her.

I ask this Court to grant me a divorce and give me the right to remarry in the event I should so desire.

LORETTA McREYNOLDS MOORE, a witness on behalf of the Complainant, being first duly sworn, deposes as follows:

My name is Loretta McReynolds Moore. I am fifty-six years of age, and I live at 679 South Cedar Street, City and County of Mobile. I don't work out, but I take care of Louisa Dunn, who is the Mother of Sim Dunn, Jr., who is suing for a divorce in this case.

I have known Sim Dunn, Jr., for approximately twelve years. I know of my own personal knowledge that he is over the age of twenty-one years and that he has lived in the City and County of Mobile, State of Alabama all of his life.

I have heard that Sim Dunn, Jr., was married to Geneva Moody Dunn about twenty-seven years ago, and that they lived together about a year and then she ran off and left him. I heard also, that they were married in the City and County of Mobile, State of Alabama.

I know of my own personal knowledge, that Geneva Dunn, the wife of Sim Dunn, Jr., has not lived with him as man and wife for at least ten year, since I have lived in the same home with Sim Dunn, Jr., and nursed his Mother during that period of time, and he has not lived with Geneva Dunn during that period of time. I understand that she left him about twenty-five years ago, and is now living in Brooklyn, New York . Since I have known Sim Dunn, Jr., over the past twelve years, I have become closely associated with him, and I would believe any statements made by him on oath to be true and correct. I know of my own personal knowledge that sim Dunn, Jr., and Geneva Moody Dunn, have not lived together as man and wife, for a period of longer than one year before he filed suit for divorce, and I heard that his wife abandoned his bed and board without any fault, or consent on his part. I know of my own personal knowledge that they have lived separate and apart for at least ten years, and I know that he has had no relations with her.

I am sorry to see anybody get a divorce, but if his wife is not going to live with him, and if she is going to run around the country, I don't see anything else for him to do.

SIM DUNN, JR.,

Complainant,

-vs-

GENEVA MOODY DUNN,

Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA,  
IN EQUITY, NO. \_\_\_\_\_

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

Comes Now, SIM DUNN, JR., Complainant, and respectfully represents:

1) THAT he and the Respondent are each over the age of twenty-one years and that he is a bona fide resident citizen of the State of Alabama, and has been such for a period of more than two years next immediately preceding the filing of this Bill of Complaint, and that the Respondent is a non-resident of the State of Alabama, residing at, to-wit: 30 Pulaski Street, Brooklyn 6, New York.

2) THAT he is the lawful husband of the Respondent, having been legally married to her on, to-wit: February 2, 1932, at, to-wit: Mobile County, Alabama, of which marriage no children have been born.

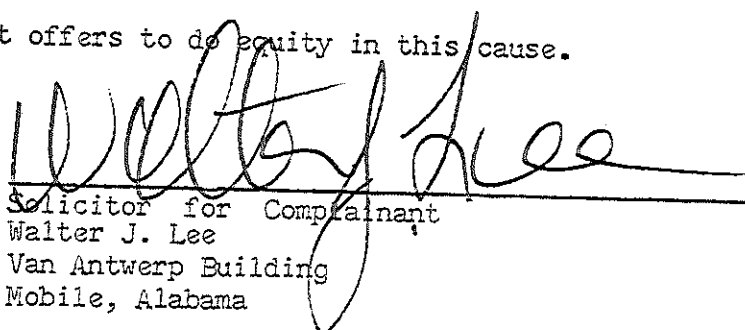
3) THAT the Respondent voluntarily abandoned the bed and board of your Complainant without any fault on his part and with the intention of not returning, and that said voluntarily abandonment has been continuous and uninterrupted for more than one year prior to the filing of this bill of complaint.

PRAYER FOR PROCESS:

Complainant prays that upon the filing of this bill of complaint, proper process issue to Geneva Moody Dunn, making her a party respondent and requiring her to appear and plead, answer or demur to the allegations herein within the time required by law and the rules of this Honorable Court.

PRAYER FOR RELIEF:

Complainant prays that upon a final hearing hereof Your Honors will grant to him an absolute divorce from the Respondent, and grant him the right to remarry in the event he should so desire; and Complainant prays for such other further and general relief as he may be entitled to in the premises and as to Your Honors seems meet and proper. Complainant offers to do equity in this cause.

  
Solicitor for Complainant  
Walter J. Lee  
Van Antwerp Building  
Mobile, Alabama

SIM DUNN, JR.,

Complainant

No.

Vs.

GENEVA MOODY DUNN,

Defendant

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

ANSWER AND WAIVER

Comes the defendant in the above entitled cause and for answer to the Bill of Complaint therein admits the allegations as to the ages, residences and marriage and denies each and every other allegations of said Bill of Complaint and demands strict proof thereof.

I agree that the testimony in this cause may be taken by deposition on oral examination, and waive notice of the time and place of the taking such testimony and agree that this cause may be submitted for final decree at any time. I waive all notices to which I may be entitled by law in this cause.

I further agree that Carolyn Fairley, may take the testimony in this cause without the issuance of a commission.

*x Geneva, moody, dunn*  
Defendant

Complainant agrees that Carolyn Fairley, may take the testimony in this cause as commissioner, without issuance of a commission.

*Walter Price as*  
Complainant  
*Salvatore Contador*

NOTE: The space below is intended for "Agreements Between the Parties".

STATE OF

*New York*

COUNTY OF

*Kings*

I, BENJAMIN GOLD,

a NOTARY PUBLIC in and for said State and County, do

hereby certify that GENEVA MOODY DUNN, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me this day, that being informed of the contents of the instrument GENEVA MOODY DUNN executed the same voluntarily on the day same bears date.

Witness my hand and seal this 11<sup>th</sup> day of December, 1959

*Benjamin Gold*  
NOTARY PUBLIC

Filed

STATE OF

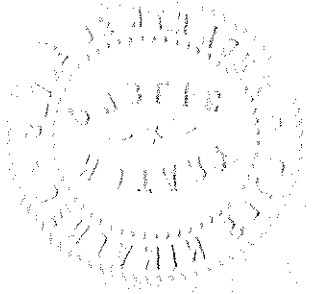
*New York*

COUNTY OF

*Kings*

Register

BENJAMIN GOLD  
Notary Public, State of New York  
No. 24-654258  
Qualified in Kings County  
Commission Expires March 30, 1960



No. \_\_\_\_\_

FILED  
DEC 18 1959  
ALICE J. DUCK, CLERK  
REGISTER

Vs.

**ANSWER AND WAIVER**

Filed, \_\_\_\_\_, 19\_\_\_\_

\_\_\_\_\_

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REGISTERED

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REGISTERED



WALTER J. LEE

LAWYER

VAN ANTWERP BLDG.

MOBILE, ALABAMA

January 5, 1960

Mrs. Alice J. Duck, Register  
Circuit Court of Baldwin County  
Bay Minette, Alabama

RE: SIM DUNN, JR., -vs- GENEVA MOODY DUNN, Circuit Court of  
Baldwin County, Bay Minette, Alabama - Case NO. 4774

Dear Mrs. Duck:

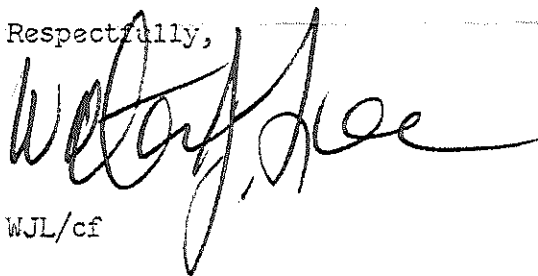
Attached find Note of Evidence and Testimonies in the above, which I submit for final decree, an Answer and Waiver having been filed.

Also attached find my Fiduciary Check NO. 1517, with the amount left blank, payable to your order, to cover the accrued cost in the case. The Commissioner, Mrs. Carolyn Fairley, is employed in my office, and her commissioner's fee may be sent to her in care of me.

Please forward two copies of the decree.

If there are any questions concerning this matter, please call me collect, at HEMlock 3-5952, Mobile.

Respectfully,



WJL/cf

Enclosures

SIM DUNN, JR., Complainant,  
No. 4774 .....VS  
GENEVA MOODY DUNN, Respondent

Entered on \_\_\_\_\_  
Min. Book No. \_\_\_\_\_ Entry \_\_\_\_\_  
W. Elsworth Haughton, Register

**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) Original Bill of Divorce
- 2) Answer and Waiver Agreement
- 3) Depositions of Sim Dunn and Loretta McReynolds Moore, Witnesses for Complainant

FILED..... 1-6-60 .....

..... Register

*Walter Haughton*  
Solicitor—for Complainant

**FOR RESPONDENT**

.....  
Solicitor—For Respondent

*m*

No.....

ALICE J. DUCK, CLERK  
REGISTER

JAN 6 1960

FILED

Vs.

ORDER OF SUBMISSION  
NOTE OF EVIDENCE

Filed .....

FILED

JAN 6 1960

Register

Ent. Min. No. ....

ALICE J. DUCK, CLERK  
REGISTER

Entry .....

WALTER J. LEE  
LAWYER  
VAN ANTWERP BLDG.  
MOBILE, ALABAMA

December 4, 1959

The Honorable Register  
Circuit Court of Baldwin County  
Baldwin County Court House  
Bay Minette, Alabama

RE: SIM DUNN, JR., Complainant -vs- GENEVA MOODY  
DUNN, Respondent, A Bill For Divorce

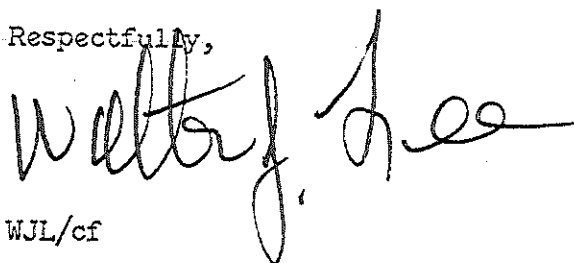
Honorable Sir:

I lodge herewith the Original Bill in the above cause  
for filing.

I am not forwarding a carbon copy for the Respondent,  
since I expect to obtain an Answer and Waiver.

If there are any questions concerning this matter,  
please call me long distance collect at HEmlock 3-5952,  
Mobile, Alabama.

Respectfully,



WJL/cf

Enclosure