(4777)

DIVORCE DECREE

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

FRED A. POST, Complainant and Cross-Respondent

vs.

MARIE BELLE POST, Respondent and Cross-Complainant

This cause coming on to be heard was submitted upon Cross-Bill of Complaint, Decree Pro Confesso on Answer of Cross-Respondent, Agreement between the Parties 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 Cross-Respondent be, and the same are hereby dissolved, and that the said MARIE BELLE POST is forever divorced from the said FRED A. POST for and on account of

~~It is further ORDERED, ADJUDGED AND DECREED that the Written Agreement between the Parties, dated May 27, 1960, be, and it is hereby, ratified and confirmed by the Court, and both parties are hereby ordered to keep and abide by the terms of said Agreement.~~

It is futher 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 futher 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 futher ordered that FRED A. POST the Cross-Respondent pay the cost herein to be taxed, for which executed may issue.

This _____ day of June 1960

_____
Judge Circuit Court, In Equity.

I, _____, 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 _____, 19____

_____
Register of Circuit Court, In Equity.

LITHO IN U.S.A.

No._____ Page_____

THE STATE OF ALABAMA

BALDWIN COUNTY

In Circuit Court, In Equity

_____

_____

Complainant

vs.

_____

_____

Respondent

DIVORCE DECREE

DIVORCE DECREE

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

FRED A. POST, Complainant and Cross-Respondent

vs.

MYRTLE BELLE POST, Respondent and Cross-complainant

This cause coming on to be heard was submitted upon Bill of Complaint, Answer of Cross-Respondent, Agreement Between the Parties 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 Cross-Complainant and Cross-Respondent be, and the same are hereby dissolved, and that the said MYRTLE BELLE POST is forever divorced from the said FRED A. POST

It is further ORDERED, ADJUDGED AND DECREED that the Written Agreement between the Parties, dated May 17, 1960, be, and it is hereby, ratified and confirmed by the Court, and both parties are hereby ordered to keep and abide by the terms of said Agreement.

It is futher 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 futher 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 futher ordered that FRED A. POST the Cross-respondent pay the cost herein to be taxed, for which executed may issue.

This 10th day of June 1960

Hubert M. Hall

Judge Circuit Court, In Equity.

I, _____, 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 _____, 19____

_____

Register of Circuit Court, In Equity.

m

No._____ Page_____

THE STATE OF ALABAMA
BALDWIN COUNTY

In Circuit Court, In Equity

_____

_____

_____ Complainant

vs.

_____

_____

_____ Respondent

DIVORCE DECREE

FILED
JUN. 10 1960
ALICE J. DUCK, Register

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

WE COMMAND YOU, that you summon, Myrtle Belle Post, to be and appear before the Judge of the Circuit Court of Baldwin County, Alabama, exercising Chancery jurisdiction, within thirty days after the service of summons, and there to answer, plead or demur, without oath, to a bill of complaint lately exhibited by Fred A. Post against the said Myrtle Belle Post and further to do and perform what said Judge shall order and direct in that behalf, and this the defendant shall in no wise omit, under penalty of the law; and we further command that you return this writ with your endorsement thereon, to our said court immediately upon the execution thereof.

WITNESS, Alice J. Duck, Register, of said Circuit Court this the 1st day of Dec., 1959.

Ex - 1-15-60

Alice J. Duck
Register

- - - - - - - -

FRED A. POST,	)	IN THE CIRCUIT COURT OF
COMPLAINANT	)	
VS	)	BALDWIN COUNTY, ALABAMA,
MYRTLE BELLE POST	)	
RESPONDENT	)	IN EQUITY

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

Now comes your complainant, Fred A. Post, and humbly complaining against the respondent, Myrtle Belle Post, respectfully represents and shows unto your Honor and this Honorable Court as follows:

FIRST: That your complainant and respondent are both over the age of twenty-one years, that complainant is a resident of Baldwin County, Alabama, and that the respondent is now residing in Evergreen, Conecuh County, Alabama;

SECOND: That they were married in Georgianna, Alabama on May 29, 1938, and have lived together as husband and wife until July 20, 1959; that they moved to Bay Minette in the year 1951 and have resided in Bay Minette, Alabama, continuously since that date, until they separated on July 20, 1959, and the said Myrtle

Belle Post went to Evergreen, Alabama, to live;

THIRD: Complainant and respondent lived together as husband and wife until July 20, 1959, when they separated because of the extreme cruelty of the respondent; that they have not lived together since; that the separation took place at Bay Minette, Baldwin County, Alabama; that the respondent is a woman of violent and ungovernable temper and from time to time has threatened, cursed and abused complainant and on numerous occasions threatened to blow complainant's brains out; that the respondent on one occasion, the exact date of which complainant does not remember, threatened to burn down or destroy his automobile shop, and on one occasion threw bricks at the complainant through the window of the said automobile shop; that on July 20, 1959, at the time of their separation the respondent became enraged without just cause or reasonable excuse and again cursed, abused and threatened to blow the complainant's brains out, and in a fit of violent temper took the children and left the complainant; that from the conduct of the respondent the complainant had reasonable cause to believe and does believe that if he continued to live with the respondent she would do him bodily harm attendant with danger to his life and health;

FOURTH: That there was born to the complainant and respondent four children, Patricia Ann Post, aged 13, Winnie Lynn Post, aged 11, Wesley Gwynn Post, aged 7, and Wayne Post, aged 2; that the said Patricia Ann Post, Winnie Lynn Post and Wesley Gwynn Post are in the custody of the respondent; that the respondent is not a fit and proper person to have the custody of these children; that the respondent is presently working at a cafe in Evergreen, Alabama, and does not give the said children sufficient care and attention for their welfare; that said children are living in a small, uncomfortable dwelling in the said City of Evergreen with respondent while complainant occupies a large comfortable house in

a good section of the City of Bay Minette; that he is able to care for the said children in a good and proper manner;

WHEREFORE, the premises considered, your complainant prays that this Honorable Court will, by proper process, make the said Myrtle Belle Post, a party defendant to this bill of complaint and require her to plead, answer or demur to the same within the time and under the pains and penalties prescribed by law and the practice of this Honorable Court.

Complainant further prays that upon the final hearing of the cause made by this bill of complaint this Honorable Court will make and enter an order and decree forever dissolving the bonds of matrimony existing between the complainant and the said defendant; and will further order and decree that this complainant have custody of the said minor children, Patricia Ann Post, Winnie Lynn Post and Wesley Gwynn Post;

Complainant further prays that this Honorable Court will make and enter an order and decree giving the complainant temporary custody of the said Patricia Ann Post, Winnie Lynn Post and Wesley Gwynn Post pending the final decree in this cause; and complainant prays for such other, further or different relief as in equity and good conscience he shall be entitled to receive in the premises.

FILED
DEC 1 1959
ALICE J. DUCK, Register

Fred A Post
Complainant

W S Hayes
Wilson Hayes, attorney for complainant

4777

RECORDED

Fred A. Post

vs.

Myrtle Belle Post

Divorce Decree

FILED
DEC 1 1959
ALICE J. DUCK, Register

address

Evergreen, Ala.

Not found in this County
This the 14th day of
January ,1960
JAMES M. BROCK, SHERIFF
BY C W Pent

FRED A. POST, Complainant, VS. MYRTLE BELLE POST, Respondent.	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. IN EQUITY. NO. _____

ANSWER AND CROSS-BILL

Comes MYRTILE BELLE POST, the respondent in the above styled cause, and, for answer to the Bill of complaint heretofore filed in said cause, says:

1. She admits the allegations contained in paragraph 1 of said bill of complaint, except that she now lives in Mobile County, Alabama;

2. She admits the allegations contained in paragraph 2 of said bill of complaint.

3. She denies each and every allegation contained in paragraph 3 of said bill of complaint and demands strict proof thereof; and, for further answer to the allegations contained in said paragraph 3, respondent says that she never struck the complainant except in self-defense or in defense of their children.

4. She admits the allegations contained in paragraph 4 of said bill of complaint insofar as they relate to names and ages of their children, but she emphatically denies that she is not a fit and proper person to have the care, custody and control of said children; she denies that she has ever neglected said children; and she denies that she has kept them in an uncomfortable dwelling; and she demands strict proof of such allegations.

And now, having answered the allegations of the bill of complaint filed in this cause, MYRTLE BELLE POST, the respondent, prays that this, her answer, be made and taken as a cross-bill, and she avers:

1. That she is over the age of twenty-one years and is a bona fide resident citizen of Alabama, presently residing at 1319 Robert E. Lee Street, Mobile, Alabama; and that she has been a bona fide resident citizen of the State of Alabama, for more than the last past ten years; that FRED A. POST is over the age of twenty-one years and is a bona fide resident citizen of Baldwin County, Alabama;

2. That your cross-complainant and the cross-respondent are husband and wife, having intermarried at Georgiana, Alabama, on May 29, 1938; that they lived together as husband and wife, with several interruptions which will be hereinafter more fully set out, until,

on, to-wit: the 20th day of July, 1959.

3. That, on, to-wit: the 20th day of July, 1959, and on many occasions prior thereto, the cross-respondent, threated to do physical violence to the person of your cross-complainant by shooting her with a gun (a pistol); that on many occasions he actually struck your cross-complainant; that he often carried a pistol, and he gave your cross-complaianant reason to believe, and she did actually believe, that he would carry out his threats and would shoot her with said pistol and that would necessarily endanger her life or health; your cross-complainant, aside from her fear that the cross-respondent would shoot her with a pistol, was reasonably apprehensive of danger to her life or health from actual physical violence inflicted on her person by the said cross-respondent; that, because of the threats of the cross-respondent as aforesaid, your cross-complainant was forced to leave the bed and board of the cross-respondent on the aforesaid 20th day of July, 1959, and that, since that time she has not returned to live with him as his wife;

Your cross-complainant further avers and shows unto your Honor that much of the trouble between your cross-complainant and the cross-respondent was occasioned by his insistence on operating an automobile repair shop at their home; that the cross-respondent is an able mechanic and could easily obtain a good job as a mechanic, but that he refuses to work for others and insisted on maintaining a automobile repair shop at their home in Bay Minette, Alabama, which home is in a residential section of the Town; that all manner of people were coming to their home at all hours of the day and night, including negro men; that your cross-complainant was afraid to have strangers, including negro men, coming to their house at all hours of the day and night, because of the fact that they have two little girls; that the refusal of the cross-respondent to remove said repair shop from their home caused your cross-complainant to worry and, consequentyly to become nervous and sick.

4. That there was born to the marriage between your cross-complainant and the cross-respondent four children: Wayne Post, age 20 years, Patricia Ann Post, age 13 years, Winnie Lynn Post, age 9 years, and Wesley Gwynn Post, age 7 years; that the older boy is married and maintains a household of his own; that the three younger children are presently in the care and custody of your cross-complain-

and that she is a fit and proper person to have the care, custody and control of said children; that she has always been a devoted, loving and conscientious mother to her children; that she has made them attend school regularly and has conscientiously sent them to Sunday School and Church, going with them when her duties and health would permit;

That the cross-respondent has never exhibited any particular interest in the education, religious life or welfare of his children; that on several occasions (at least three) during their married life he has gone off and left your cross-complainant and their children for weeks and months at the time for her Mother and Father and Brothers to support; that since your cross-respondent and their children were forced to leave him on last July 20th he has furnished less than $200.00 for the support and maintenance of the three said minor children; that, if he had their welfare at heart, he would certainly see that they were adequately fed, clothed and maintained; that, without the help of members of her own family, your cross-complainant would be unable to support and maintain said children and keep them in school.

5. That during their married life, your cross-complainant and the cross-respondent acquired the following described real property in Bay Minette, Alabama, viz:

> Lots One and Two of Block Twenty-five in the Hand Land Company's Addition to Bay Minette, Alabama;

that said property stands on the records in the name of the cross-respondent; that there is a mortgage on said property which your cross-complainant believes is approximately $1,200.00; that it is the belief of your cross-complainant that the cross-respondent will never pay this indebtedness; that, if your Honor will decree that the cross-respondent convey this property to your cross-complainant as a home for her and their said minor children, she will be able to obtain the money to pay off this indebtedness from members of her family;

6. That your cross-complainant has no separate estate; that she is without funds to provide for the maintenance and support of herself and minor children; that the cross-respondent is healthy and able-bodied; that he is a trained mechanic and car painter and that, if he would, he could earn adequate wages to support your cross-complainant and their minor children;

7. Your cross-complainant further avers that she is without funds to pay her solicitor for his services rendered and to be rendered in this cause, and that she has employed Telfair J. Mashburn as her Solicitor in this cause.

PRAYER FOR PROCESS

WHEREFORE, THE PREMISESCONSIDERED, ORATRIX makes the said FRED A. POST respondent to this her cross-bill, and prays that the process of this Court may be directed to him according to law, commanding him to appear in this cause within the time and in the manner required by law and the rules of this Honorable Court, and plead, answer or demur to this her cross-bill of complaint.

PRAYER FOR RELIEF

Your Oratrix further prays that, on a final hearing of this cause, your Honor will make and enter a decree giving and granting unto your cross-complainant the following separate and several relief:

1. Denying the complainant and cross-respondent the relief sought in his bill of complaint and dismissing said bill of complaint;

2. Granting her an absolute divorce from the said FRED.A. POST;

3. Giving her the exclusive care, custody and control of their minor children named in paragraph 4 of this her cross-bill, with reasonable rights of visitation in the said cross-respondent;

4. Granting her permanent alimony and support and maintenance for their said children;

5. Fixing a reaonsable amount for cross-respondent to pay to the cross-complainant's solicitor for his services in this cause;

6. Ordering the cross-respondent to convey to your cross-complainant the real property described in paragraph 5 of this cross-bill of complaint as a home for her and thier children;

And your cross-complainant prays for such other, further, different or general relief as in equity and good conscience she may be entitled to receive, and, as in duty bound, she will ever pray, etc.

Telfair J. Mashburn
SOLICITOR FOR RESPONDENT AND CROSS-COMPLAINANT.

RECORDED

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY. NO. 4777

****

FRED A. POST,

COMPLAINANT AND
CROSS-RESPONDENT,

VS.

MYRTLE BELLE POST,

Respondent and
Cross-complainant.

****

ANSWER AND CROSS-BILL.

FILED
FEB 16-60
ALICE L. DUCK, CLERK
REGISTER

I hereby accept service of a copy of the within Answer and Cross-bill on behalf of the Cross-Respondent, Fred A. Post this 16th day of February, 1960.

William Hayes
Solicitor for Cross-Respondent.

AGREEMENT

This agreement made this 17th day of ~~April~~ May 1960 by and between Fred A. Post hereinafter called the husband and Myrtle Belle Post hereinafter called the wife;

WITNESSETH:

WHEREAS the parties hereto were married on the 29th day of May 1937 in Georgianna, Alabama and;

WHEREAS four children were born to this marriage, Patricia Ann Post, Winnie Lynn Post, Wesley Gwynn Post and Wayne Post of which Wayne Post is of age and self supporting; and,

WHEREAS, differences have arisen between wife and husband and in consequence they have separated and with a view to this change in their relationship, the parties make and enter into the following agreement;

1. That the said Myrtle Belle Post have the care, custody and control of the said minor children Patricia Ann Post, Winnie Lynn Post and Wesley Gwynn Post.

2. That the said Fred A. Post pay over to the said Myrtle Belle Post $15.00 per week as support for the said children and pay the premium for a hospitalization insurance policy for the said children plus a sum for dental care, the whole of which shall not exceed $150.00 per year.

3. That the said Fred A. Post pay to the said Myrtle Belle Post the sum of $4,000.00 in lieu of all other alimony, support and property rights and that the said sum of $4,000.00 shall be paid at the rate of $1,000.00 per year, the first payment of which shall be due and payable on the 15th day of July, 1960 and each succeeding payment of $1,000.00 on the 15th day of July ~~1960~~ of each succeeding year thereafter until the full sum is paid; it is further agreed that the wife shall have as security for the payment of the above named sum of $4,000.00 a lien on the property of the husbands described as follows:

Lots One and Two of Block Twenty-five in the Hand Land Company's Addition to Bay Minette, Alabama;

and that the said lien shall be of the same dignity as a real estate mortgage and this agreement shall be recorded in the Baldwin County Alabama Probate Records as notice thereof, it being further provided that the said wife shall, in the event it shall be necessary and convenient for the husband to obligate the said property as security for money borrowed for the purpose of paying the above named sum of $4,000.00 or any part thereof, or for the purpose of making reasonable improvements, whether of a business nature or otherwise of the said property, then and in that event the wife shall join in the making of such encumbrances or security and her lien herein provided shall be subordinated and junior to any such security or encumbrance. In the event of default of the payment of the above named $4,000.00 or any payment thereof, the same shall bear interest at 6% on any due and unpaid portion thereof.

4. In the event shall become necessary for the wife to prosecute a action to enforce the said lien, the said Fred A. Post shall pay all costs including a reasonable attorney's fee.

5. It is further agreed that the said husband shall pay to Telfair J. Mashburn attorney for the wife the sum of $450.00 as attorney's fee for services rendered in the making of this agreement and the premises.

6. In consideration of the premises Myrtle Belle Post hereby relinquishes all other right, title and interest in and to the property and estate of the said Fred A. Post now existing or to exist in the future, and all alimony and support and accepts this agreement in full settlement thereof.

7. It is further understood and agreed that in the event a final decree of divorce shall be entered between the parties this agreement shall be disclosed to the Court rendering such decree, and the terms and provisions hereof shall be embodied and incorporated in such decree and shall be binding to the parties in all respects.

The covenants, conditions, provisions herein shall apply to, bind, and be obligatory upon the heirs, executors, administrators and assigns of the parties.

IN WITNESS WHEREOF we have hereunto set our hands and seals this the 17th day of May, 1960.

Myrtle B. Post

Fred A Post

BOOK 351 PAGE 263

STATE OF ALABAMA
BALDWIN COUNTY

I, F. A. Maslebury, Jr., a Notary Public in and for said State and County, hereby certify that Myrtle Belle Post whose name is signed to the foregoing instrument, and who is known to me acknowledged before me on this day that being informed of the contents of the instrument he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 17th day of May, 1960.

F. A. Maslebury, Jr.
Notary Public, Baldwin Co., Ala.

STATE OF ALABAMA
BALDWIN COUNTY

I, Wilson Hayes, a Notary Public in and for said State and County, hereby certify that Fred A. Post whose name is signed to the foregoing instrument, and who is known to me acknowledged before me on this day that being informed of the contents of the instrument she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 21st day of May, 1960.

Wilson Hayes
Notary Public, Baldwin Co., Ala.

FILED
JUN 10 1960
ALICE J. DUCK, Register

STATE OF ALABAMA,
BALDWIN COUNTY
I certify that this instrument was filed on
OCT 21 1960 9:00 A.M.
and that no tax was collected. Recorded in Mtg
Book 357
Page 261-2-3
W. C. Stuart
Judge of Probate
By

AGREEMENT

This agreement made this 17th day of May 1960 by and between Fred A. Post hereinafter called the husband and Myrtle Belle Post hereinafter called the wife;

WITNESSETH:

WHEREAS the parties hereto were married on the 29th day of May 1937 in Georgianna, Alabama and;

WHEREAS four children were born to this marriage, Patricia Ann Post, Winnie Lynn Post, Wesley Gwynn Post and Wayne Post of which Wayne Post is of age and self supporting; and,

WHEREAS, differences have arisen between wife and husband and in consequence they have separated and with a view to this change in their relationship, the parties make and enter into the following agreement;

1. That the said Myrtle Belle Post have the care, custody and control of the said minor children Patricia Ann Post, Winnie Lynn Post and Wesley Gwynn Post.

2. That the said Fred A. Post pay over to the said Myrtle Belle Post $15.00 per week as support for the said children and pay the premium for a hospitalization insurance policy for the said children plus a sum for dental care, the whole of which shall not exceed $150.00 per year.

3. That the said Fred A. Post pay to the said Myrtle Belle Post the sum of $4,000.00 in lieu of all other alimony, support and property rights and that the said sum of $4,000.00 shall be paid at the rate of $1,000.00 per year, the first payment of which shall be due and payable on the 15th day of July, 1960 and each succeeding payment of $1,000.00 on the 15th day of July 196___ of each succeeding year thereafter until the full sum is paid; it is further agreed that the wife shall have as security for the payment of the above named sum of $4,000.00 a lien on the property of the husbands described as follows:

Lots One and Two of Block Twenty-five in the Hand Land Company's Addition to Bay Minette, Alabama;

and that the said lien shall be of the same dignity as a real estate mortgage and this agreement shall be recorded in the Baldwin County Alabama Probate Records as notice thereof, it being further provided that the said wife shall, in the event it shall be necessary and convenient for the husband to obligate the said property as security for money borrowed for the purpose of paying the above named sum of $4,000.00 or any part thereof, or for the purpose of making reasonable improvements, whether of a business nature or otherwise of the said property, then and in that event the wife shall join in the making of such encumbrances or security and her lien herein provided shall be subordinated and junior to any such security or encumbrance. In the event of default of the payment of the above named $4,000.00 or any payment thereof, the same shall bear interest at 6% on any due and unpaid portion thereof.

4. In the event shall become necessary for the wife to prosecute a action to enforce the said lien, the said Fred A. Post shall pay all costs including a reasonable attorney's fee.

5. It is further agreed that the said husband shall pay to Telfair J. Mashburn attorney for the wife the sum of $450.00 as attorney's fee for services rendered in the making of this agreement and the premises.

6. In consideration of the premises Myrtle Belle Post hereby relinquishes all other right, title and interest in and to the property and estate of the said Fred A. Post now existing or to exist in the future, and all alimony and support and accepts this agreement in full settlement thereof.

7. It is further understood and agreed that in the event a final decree of divorce shall be entered between the parties this agreement shall be disclosed to the Court rendering such decree, and the terms and provisions hereof shall be embodied and incorporated in such decree and shall be binding to the parties in all respects.

The covenants, conditions, provisions herein shall apply to, bind, and be obligatory upon the heirs, executors, administrators and assigns of the parties.

IN WITNESS WHEREOF we have hereunto set our hands and seals this the 17th day of May, 1960.

Myrtle B. Post

Fred A Post

STATE OF ALABAMA
BALDWIN COUNTY

I, J. A. Marshburn Jr., a Notary Public in and for said State and County, hereby certify that Myrtle Belle Postewhose name is signed to the foregoing instrument, and who is known to me acknowledged before me on this day that being informed of the contents of the instrument he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 17th day of May, 1960.

J. A. Marshburn
Notary Public, Baldwin Co., Ala.

STATE OF ALABAMA
BALDWIN COUNTY

I, Wilson Hayes, a Notary Public in and for said State and County, hereby certify that Fred A. Post whose name is signed to the foregoing instrument, and who is known to me acknowledged before me on this day that being informed of the contents of the instrument she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 21st day of May, 1960.

Wilson Hayes
Notary Public, Baldwin Co., Ala.

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

WE COMMAND YOU, that you summon, Myrtle Belle Post, to be and appear before the Judge of the Circuit Court of Baldwin County, Alabama, exercising Chancery jurisdiction, within thirty days after the service of summons, and there to answer, plead or demur, without oath, to a bill of complaint lately exhibited by Fred A. Post against the said Myrtle Belle Post and further to do and perform what said Judge shall order and direct in that behalf, and this the defendant shall in no wise omit, under penalty of the law; and we further command that you return this writ with your endorsement thereon, to our said court immediately upon the execution thereof.

WITNESS, Alice J. Duck, Register, of said Circuit Court this the 1 day of [illegible], 1959.

Alice J.
Register

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FRED A. POST,	IN THE CIRCUIT COURT OF
COMPLAINANT	BALDWIN COUNTY, ALABAMA,
VS	IN EQUITY
MYRTLE BELLE POST	
RESPONDENT	

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

Now comes your complainant, Fred A. Post, and humbly complaining against the respondent, Myrtle Belle Post, respectfully represents and shows unto your Honor and this Honorable Court as follows:

FIRST: That your complainant and respondent are both over the age of twenty-one years, that complainant is a resident of Baldwin County, Alabama, and that the respondent is now residing in Evergreen, Conecuh County, Alabama;

SECOND: That they were married in Georgianna, Alabama on May 29, 1938, and have lived together as husband and wife until July 20, 1959; that they moved to Bay Minette in the year 195 and have resided in Bay Minette, Alabama, continuously since that date, until they separated on July 20, 1959, and the said Myrtle Belle Post went to Evergreen, Alabama, to live;

THIRD: Complainant and respondent lived together as husband and wife until July 20, 1959, when they separated because of the extreme cruelty of the respondent; that they have not lived together since; that the separation took place at Bay Minette,

Baldwin County, Alabama; that the respondent is a woman of violent and ungovernable temper and from time to time has threatened, cursed and abused complainant and on numerous occasions threatened to blow complainant's brains out; that the respondent on one occasion, the exact date of which complaint does not remember, threatened to burn down or destroy his automobile shop, and on one occasion threw bricks at the complainant through the window of the said automobile shop; that on July 20, 1959, at the time of their separation the respondent became enraged without just cause or reasonable excuse and again cursed, abused and threatened to blow the complainant's brains out, and in a fit of violent temper took the children and left the complainant; that from the conduct of the respondent the complainant had reasonable cause to believe and does believe that if he continued to live with the respondent she would do him bodily harm attendant with danger to his life and health;

FOURTH: That there was born to the complainant and Respondent four children, Patricia Ann Post, aged 13, Winnie Lynn Post, aged 9, Wsley Gwynn Post, aged 7, and Wayne Post, aged 20; that the said Patricia Ann Post, Winnie Lynn Post and Wesley Gwynn Post are in the custody of the respondent; that the respondent is not a fit and proper person to have the custody of these children; that the respondent is presently working at a cafe in Evergreen, Alabama, and does not give the said children sufficient care and attention for their welfare; that said children are living in a small, uncomfortable dwelling in the said City of Evergreen with respondent while complainant occupies a large comfortable house in a good section of the City of Bay Minette; that he is able to care for the said children in a good and proper manner;

WHEREFORE, the premises considered, your complainant prays that this Honorable Court will, by proper process, make the said Myrtle Belle Post, a party defendant to this bill of complaint and require her to plead, answer or demur to the same within the time and under the pains and penalties prescribed by law and the practice of this Honorable Court.

Complainant further prays that upon the final hearing of

the cause made by this bill of complaint this Honorable Court will make and enter an order and decree forever dissolving the bonds of matrimony existing between the complainant and the said defendant; and will further order and decree that this complainant have custody of the said minor children, Patricia Ann Post, Winnie Lynn Post and Wesley Gwynn Post;

Complainant further prays that this Honorable Court will make and enter an order and decree giving the complainant temporary custody of the said Patricia Ann Post, Winnie Lynn Post and Wesley Gwynn Post pending the final decree in this cause; and complainant prays for such other, further or different relief as in equity and good conscience he shall be entitled to receive in the premises.

Fred A Post
COMPLAINANT

Wilson Hayes
Wilson Hayes, Attorney for Complainant

Defendant may be found at 1319 Robert E. Lee Street, Mobile, Ala.

cd
1929 72.4777
238

Fred A. Post

15-1 Fuse vs.
Myrtle Belle Post

Received 11 day of January 1960
and on 15 day of January 1960
I served a copy of the within
on Myrtle Belle Post

By service on

TAYLOR WILKINS, Sheriff
By West Fowler D. S.

Filed
12-1-59
Nice Dennis
Clerk

AGREEMENT

This agreement made this 17th day of ~~April~~ May 1960 by and between Fred A. Post hereinafter called the husband and Myrtle Belle Post hereinafter called the wife;

WITNESSETH:

WHEREAS the parties hereto were married on the 29th day of May 1937 in Georgianna, Alabama and;

WHEREAS four children were born to this marriage, Patricia Ann Post, Winnie Lynn Post, Wesley Gwynn Post and Wayne Post of which Wayne Post is of age and self supporting; and,

WHEREAS, differences have arisen between wife and husband and in consequence they have separated and with a view to this change in their relationship, the parties make and enter into the following agreement;

1. That the said Myrtle Belle Post have the care, custody and control of the said minor children Patricia Ann Post, Winnie Lynn Post and Wesley Gwynn Post.

2. That the said Fred A. Post pay over to the said Myrtle Belle Post $15.00 per week as support for the said children and pay the premium for a hospitalization insurance policy for the said children plus a sum for dental care, the whole of which shall not exceed $150.00 per year.

3. That the said Fred A. Post pay to the said Myrtle Belle Post the sum of $4,000.00 in lieu of all other alimony, support and property rights and that the said sum of $4,000.00 shall be paid at the rate of $1,000.00 per year, the first payment of which shall be due and payable on the 15th day of April, 1960 and each succeeding payment of $1,000.00 on the 15th day of April 196___ of each succeeding year thereafter until the full sum is paid; it is further agreed that the wife shall have as security for the payment of the above named sum of $4,000.00 a lien on the property of the husbands described as follows:

Lots One and Two of Block Twenty-five in the Hand Land Company's Addition to Bay Minette, Alabama;

and that the said lien shall be of the same dignity as a real estate mortgage and this agreement shall be recorded in the Baldwin County Alabama Probate Records as notice thereof, it being further provided that the said wife shall, in the event it shall be necessary and convenient for the husband to obligate the said property as security for money borrowed for the purpose of paying the above named sum of $4,000.00 or any part thereof, or for the purpose of making reasonable improvements, whether of a business nature or otherwise of the said property, then and in that event the wife shall join in the making of such encumbrances or security and her lien herein provided shall be subordinated and junior to any such security or encumbrance. In the event of default of the payment of the above named $4,000.00 or any payment thereof, the same shall bear interest at 6% on any due and unpaid portion thereof.

4. In the event shall become necessary for the wife to prosecute a action to enforce the said lien, the said Fred A. Post shall pay all costs including a reasonable attorney's fee.

5. It is further agreed that the said husband shall pay to Telfair J. Mashburn attorney for the wife the sum of $450.00 as attorney's fee for services rendered in the making of this agreement and the premises.

6. In consideration of the premises Myrtle Belle Post hereby relinquishes all other right, title and interest in and to the property and estate of the said Fred A. Post now existing or to exist in the future, and all alimony and support and accepts this agreement in full settlement thereof.

7. It is further understood and agreed that in the event a final decree of divorce shall be entered between the parties this agreement shall be disclosed to the Court rendering such decree, and the terms and provisions hereof shall be embodied and incorporated in such decree and shall be binding to the parties in all respects.

The covenants, conditions, provisions herein shall apply to, bind, and be obligatory upon the heirs, executors, administrators and assigns of the parties.

IN WITNESS WHEREOF we have hereunto set our hands and seals this the 17th day of May, 1960.

Myrtle B. Post

Fred A Post

STATE OF ALABAMA
BALDWIN COUNTY

I, J. D. Mathews, Jr., a Notary Public in and for said State and County, hereby certify that Myrtle Belle Post whose name is signed to the foregoing instrument, and who is known to me acknowledged before me on this day that being informed of the contents of the instrument he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 17th day of May, 1960.

J. D. Mathews, Jr.
Notary Public, Baldwin Co., Ala.

STATE OF ALABAMA
BALDWIN COUNTY

I, Wilson Hayes, a Notary Public in and for said State and County, hereby certify that Fred A. Post whose name is signed to the foregoing instrument, and who is known to me acknowledged before me on this day that being informed of the contents of the instrument she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 21st day of May, 1960.

W. C. Hayes
Notary Public, Baldwin Co., Ala.

$5.00

MYRTLE BELL POST,	)	IN THE
Complainant,	)	CIRCUIT COURT OF BALDWIN COUNTY
VS.	)	ALABAMA. IN EQUITY.
J. Fred Post,	)	
Respondent.	)	

MRS. MYRTLE BELL POST, BEING FIRST DULY SWORN, TESTIFIED:

Examination by Mr. Mashburn.

Q. Is your name Myrtle Bell Post?

A. That's right.

Q. You are the Respondent and cross complainant in this case?

A. I am.

Q. Are you married to the Respondent, J. Fred Post?

A. That is right.

Q. Where does Fred Post Live?

A. I believe it is --

Q. Here in Bay Minette?

A.. Yes sir.

Q. You were living in Bay Minette, Alabama, at the time you and your husband separated?

A. That is right.

Q. When did you and your husband marry?

A. May 29, 1937.

Q. Where were you married?

A. Georgiana, Alabama.

Q. Did you all live together as man and wife until what datr?

A. July 20, 1959.

Q. At that time you left him?

A. I did.

Q. During the time you were married to him, Mrs. Post, did

he ever threaten you?

A. Yes he did, more than threatened me.

Q. Did he ever actually beat you?

A. He did.

Q. On more than one accasion?

A. Yes sir.

Q. Did he mistreat you in other ways?

A. Yes sir, he did.

Q. Did he insist on having a garage business over at the home where you and the children lived?

A. Yes, which was unbearable to live with.

Q. Did you actually believe that it would be dangerous to your life or your health to continue to live with him as his wife, Mrs. Post?

A. Yes sir, I did - I did believe it would be.

Q. Did you all have any children as the fruits of this marriage?

A. Four.

Q. What are their names and ages?

A. John Wayne, 21. Patricia Ann will be 14 in June, and Lynn and Wesley will be eight in July.

Q. Have the children been with you practically all of their life? -- I believe the oldest boy is married?

A. Yes sir.

Q. The otherthree children have been with you all of their life except about three months?

A. Yes sir.

Q. You have taken care of them?

A. Yes sir, I have.

Q. You feel that you are a fit and proper person to have their custody and control?

A. Yes sir.

Q. Through your Attorney and the Attorneys for Mr. Post, have you all arrived at a separation agreement?

A. Yes sir.

Q. Do you want the Court to ratify that agreement and order both parties to live up to it?

A. I do.

NO CROSS EXAMINATION:

WAYNE POST, A WITNESS FOR THE COMPLAINANT, BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

Examination by Mr. Mashburn.

Q. You are Wayne Post?

A. Yes sir.

Q. You are the son of Fred Post and Myrtle Bell Post?

A. Yes sir.

Q. Have you been present while the Attorneys for your mother and father have been negotiating a separation agreement between them?

A. Yes sir.

Q. Did you hear the terms of the agreement?

A. Yes sir.

Q. A nd do you think that agreement is fair to both parties?

A. Yes sir.

Q. Wayne, would it be better for your father and mother to separate and not try to live together as husband and wife?

A. I think so.

Q. Do you think it would befor the best interest of the minor

children to be in the custody and control of your mother?

A. Yes sir.

L. B. HOLDER. BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

E xamination by Mr. Mashburn.

Q. Are you L. B. Holder?

A. Yes sir.

Q. Are you a brother of Mrs. Myrtle Bell Post?

A. Yes sir.

Q. You were present during the time Telfair J. Mashburn, Jr. as Mrs. Post's Attorney, and the Attorneys for Mr. Post were negotiating a separation agreement?

A. Yes sir.

Q. You have heard the terms and are familiar with the terms of the agreement?

A. Yes sir.

Q. In your opinion, is that a fair agreement for Mrs. Post and Mr. Post?

A. Yes sir.

C E R T I F I C A T E:

I hereby certi fy that the foregoing is a true and correct transcript of the testimony as taken by me in open court in the above styled cause, on this day.

This the 21st day of April, 1960.

Official Court Reporter

8581. NOTE OF TESTIMONY

Printed by the Baldwin Times, Bay Minette, Alabama.

FRED A. POST,

Complainant and Cross-Respondent.

vs.

MYRTLE BELLE POST,

Respondent and Cross-Complainant

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

This cause is submitted in behalf of Complaint upon the original Bill of Complaint,

and in behalf of ~~Defendant upon~~ Respondent and Cross-Complainant on Cross-Bill of Complaint, Answer of ~~[illegible]~~ Cross-respondent to cross-bill of Complaint, Agreement between the parties, dated May 17, 1960, and testimony of Myrtle Belle Post, Wayne Post and L. B. Holver, taken in open Court.

Solicitor for Respondent and Cross-Complainant

Alice J. Wurtz
Register.

No. .....

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

vs.

NOTE OF TESTIMONY

Filed in Open Court this .....

day of ..... , 194 .....

Register.

Printed by the Baldwin Times

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

WE COMMAND YOU, that you summon, Myrtle Belle Post, to be and appear before the Judge of the Circuit Court of Baldwin County, Alabama, exercising Chancery jurisdiction, within thirty days after the service of summons, and there to answer, plead or demur, without oath, to a bill of complaint lately exhibited by Fred A. Post against the said Myrtle Belle Post and further to do and perform what said Judge shall order and direct in that behalf, and this the defendant shall in no wise omit, under penalty of the law; and we further command that you return this writ with your endorsement thereon, to our said court immediately upon the execution thereof.

WITNESS, Alice J. Duck, Register, of said Circuit Court this the 6 day of Nov., 1959.

Alice J. Duck
Register

- - - - - - -

FRED A. POST,	‖	IN THE CIRCUIT COURT OF
COMPLAINANT	‖	
VS	‖	BALDWIN COUNTY, ALABAMA,
MYRTLE BELLE POST	‖	
RESPONDENT	‖	IN EQUITY

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

Now comes your complainant, Fred A. Post, and humbly complaining against the respondent, Myrtle Belle Post, respectfully represents and shows unto your Honor and this Honorable Court as follows:

FIRST: That your complainant and respondent are both over the age of twenty-one years, that complainant is a resident of Baldwin County, Alabama, and that the respondent is now residing in Evergreen, Conecuh County, Alabama;

SECOND: That they were married in Georgianna, Alabama on May 29, 1938, and have lived together as husband and wife until July 20, 1959; that they moved to Bay Minette in the year 1951 and have resided in Bay Minette, Alabama, continuously since that date, until they separated on July 20, 1959, and the said Myrtle

Belle Post went to Evergreen, Alabama, to live;

THIRD: Complainant and respondent lived together as husband and wife until July 20, 1959, when they separated because of the extreme cruelty of the respondent; that they have not lived together since; that the separation took place at Bay Minette, Baldwin County, Alabama; that the respondent is a woman of violent and ungovernable temper and from time to time has threatened, cursed and abused complainant and on numerous occasions threatened to blow complainant's brains out; that the respondent on one occasion, the exact date of which complainant does not remember, threatened to burn down or destroy his automobile shop, and on one occasion threw bricks at the complainant through the window of the said automobile shop; that on July 20, 1959, at the time of their separation the respondent became enraged without just cause or reasonable excuse and again cursed, abused and threatened to blow the complainant's brains out, and in a fit of violent temper took the children and left the complainant; that from the conduct of the respondent the complainant had reasonable cause to believe and does believe that if he continued to live with the respondent she would do him bodily harm attendant with danger to his life and health;

FOURTH: That there was born to the complainant and respondent four children, Patricia Ann Post, aged 13, Winnie Lynn Post, aged 9, Wesley Gwynn Post, aged 7, and Wayne Post, aged 2; that the said Patricia Ann Post, Winnie Lynn Post and Wesley Gwynn Post are in the custody of the respondent; that the respondent is not a fit and proper person to have the custody of these children; that the respondent is presently working at a cafe in Evergreen, Alabama, and does not give the said children sufficient care and attention for their welfare; that said children are living in a small, uncomfortable dwelling in the said City of Evergreen with respondent while complainant occupies a large comfortable house in

a good section of the City of Bay Minette; that he is able to care for the said children in a good and proper manner;

WHEREFORE, the premises considered, your complainant prays that this Honorable Court will, by proper process, make the said Myrtle Belle Post, a party defendant to this bill of complaint and require her to plead, answer or demur to the same within the time and under the pains and penalties prescribed by law and the practice of this Honorable Court.

Complainant further prays that upon the final hearing of the cause made by this bill of complaint this Honorable Court will make and enter an order and decree forever dissolving the bonds of matrimony existing between the complainant and the said defendant; and will further order and decree that this complainant have custody of the said minor children, Patricia Ann Post, Winnie Lynn Post and Wesley Gwynn Post;

Complainant further prays that this Honorable Court will make and enter an order and decree giving the complainant temporary custody of the said Patricia Ann Post, Winnie Lynn Post and Wesley Gwynn Post pending the final decree in this cause; and complainant prays for such other, further or different relief as in equity and good conscience he shall be entitled to receive in the premises.

Fred A Post
Complainant

Wilson Hayes
Wilson Hayes, attorney for complainant

FRED A. POST, Complainant and Cross-Respondent, VS. MYRTLE BELLE POST, Respondent and Cross-Complainant.	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. IN EQUITY. NO. 4777½

PETITION FOR RULE TO SHOW CAUSE

Comes your Petitioner, MYRTLE BELLE POST, who is over the age of twenty-one years, and respectfully shows unto the Court as follows:

1. That on the 10th day of June, 1960, in the above styled cause a final decree was rendered divorcing your Petitioner, the Cross-complainant, from FRED POST, the Cross-respondent, her husband, and giving her the care, custody and control of their three minor children, PATRICIA ANN, WINNIE LYNN AND WESLEY GWYNN POST; that under the terms of said decree the said FRED POST was directed to pay to your petitioner the sum of FIFTEEN ($15.00) DOLLARS per week as support and maintenance for the said minor children;

2. That the said FRED POST has failed for the last past ~~MXX~~ 8 weeks to make the said payment of FIFTEEN ($15.00) DOLLARS per week as required by said decree, although having sufficient means to comply with said decree, and has willfully and contemptuously refused to obey said decree.

THE PREMISES CONSIDERED, your Petitioner prays for a rule to issued to the said FRED POST requiring him at a time and place to be therein stated, to appear before the Court and show cause, if any he have, why he should not be punished as for a contempt.

And petitioner prays for such other further or different relief as may be mete and proper.

Myrtle Belle Post
PETITIONER.

STATE OF ALABAMA,
COUNTY OF Mobile.

Before me, the undersigned officer, in and for said State and County, personally appeared MYRTLE BELLE POST, who is known to me and who being by me first duly sworn, deposes and says on oath that she has knowledge of the facts stated in the above petition and that the same are true and correct.

Myrtle Belle Port

Sworn to and subscribed before me on this the 2nd day of February, 1961.

Helen A. Abbott
NOTARY PUBLIC, MOBILE COUNTY, ALA.
My commission expires 2-20-61

FILED
FEB. 9 1961
ALICE J. DUCK, Register

Received 9 day of Feb 1961
and on 10 day of Feb 1961
I served a copy of the within Petition
on Fred A. Post

By service on

TAYLOR WILKINS, Sheriff
By W. A. Talbert D.
O'mi

FRED A. POST,

Complainant and Cross-Respondent,

VS.

MYRTLE BELLE POST,

Respondent and Cross-Complainant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY. NO. 4777½

RULE TO SHOW CAUSE

This cause being presented to the Court on verified Petition of MYRTLE BELLE POST for rule nisi against FRED A. POST on his failure to pay child support and maintenance as directed by the Court, and upon consideration thereof by the Court, IT IS ORDERED, ADJUDGED AND DECREED by the Court that the said FRED A. POST be, and he is hereby commanded to be appear before this Court on the 15 day of February, 1961, at 10 o'clock A. M., and show cause, if any he has, why the petition should not be granted and why he should not be adjudged in contempt of Court.

It is further Ordered that a copy of the Petition and this Odern be served on the said FRED A. POST by the Sheriff of Baldwin County, Alabama.

DONE AND ORDERED this the 9 day of February, 1961.

Hubert M. Hall
CIRCUIT JUDGE, IN EQUITY SITTING.

TO ANY SHERIFF OF THE STATE OF ALABAMA--GREETING:

You are hereby commanded to executed the foregoing and due return thereof make according to law.

ORDERED this the 9 day of February, 1961.

Hubert M. Hall
CIRCUIT JUDGE, IN EQUITY SITTING.

FILED
FEB 9 1961
ALICE J. DUCK, Register

Received 9 day of Feb 1967
and on 10 day of Feb 1967
I served a copy of the within Order
on Fred A. Post

By service on

TAYLOR WILKINS, Sheriff
By W. A. Talbert D. S.
0 mi