

4802

DIVORCE DECREE

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

GENE T. GARNER

Complainant

vs.

PEGGY LOU GARNER

Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Pro Confesso~~ on ANSWER, WAIVER & AGREEMENT, 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 GENE T. GARNER

PEGGY LOU GARNER is forever divorced from the said PEGGY LOU GARNER for and on account of VOLUNTARY 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 GENE T. GARNER the Complainant, pay the cost herein to be taxed, for which executed may issue.

This 10 day of July 1961

Hubert M. Jace

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 July 1961 day of July 1961

Register of Circuit Court, In Equity.

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

THE STATE OF ALABAMA  
BALDWIN COUNTY

In Circuit Court, In Equity

GENE T. GARNER,

Complainant

PEGGY LOUS<sup>VS</sup>ARNER

Respondent

**DIVORCE DECREE**

FILED

JUL 10 1961

ALICE J. DUCK, CLERK  
REGISTER

GENE T. GARNER

Complainant

No.

Vs.

PEGGY LOU GARNER

Defendant

IN THE CIRCUIT COURT OF  
MOBILE COUNTY, ALABAMA  
BALDWIN  
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 Mrs. Peggy Preston, may take the testimony in this cause without the issuance of a commission.

X Peggy Lou Garner  
Defendant

Complainant agrees that Mrs. Peggy Preston, may take the testimony in this cause as commissioner, without issuance of a commission.

Gene T. Garner  
Complainant

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

Complainant agrees to pay all Court costs and Attorneys fees incident to these proceedings.

Gene T. Garner  
Complainant.

ATTEST:

- X 1. Glenn Warren
- X 2. Lee R. [unclear]

X Peggy Lou Garner  
Defendant.

STATE OF Mississippi  
COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_, a NOTARY PUBLIC in and for said State and County, do hereby certify that Peggy Lou Garner, 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, she executed the same voluntarily on the day same bears date.

Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

NOTARY PUBLIC

Filed \_\_\_\_\_ STATE OF MISSISSIPPI  
COUNTY OF \_\_\_\_\_

Register

RECORDED

No. 4802

Vs.

ANSWER AND WAIVER

FILED  
Filed, \_\_\_\_\_, 19  
APR 18 1960  
ALICE J. DUCK, CLERK  
REGISTER

# CERTIFICATE

I, Peggy Preston, 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 Baldwin,

the Honorable Circuit Court of ~~Mobile~~ Mobile County, Alabama, Sitting in Equity, No. \_\_\_\_\_, wherein

Gene T. Garner is Complainant, and Peggy Lou Garner,

is Respondent, under and by virtue of the power conferred upon me by said Commission or agreement as such commissioner, caused Gene T. Garner and Mrs. Paul Garner,

are who were made known to me, to come before me at 3:00 o'clock P. M., on July 5th, 19 61, at 56 S. Conception S. Mobile, Alabama; that said witnesses were first duly sworn by me as stated; that they were then examined by William Grayson, Solicitor for the Compalainant. and cross-examined by \_\_\_\_\_

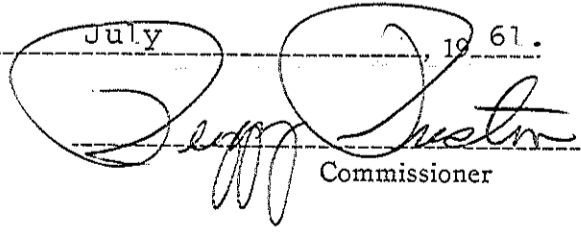
Solicitor for Guardian Ad Litem & \_\_\_\_\_, and they testified in Attorney Ad Litem for \_\_\_\_\_

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; who assented to and signed same, ~~who refused to sign same, who was physically unable to sign same, or who~~

~~waived the reading and signing of same~~ in my presence and in the presence of said Solicitor for Compalinant, Solicitor for \_\_\_\_\_ and Guardian Ad Litem & \_\_\_\_\_ 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 anyway 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 July, 19 61.

  
Commissioner

My name is Gene T. Garner and I am the Complainant in this cause. I am the husband of the Respondent and we were married to each other in the summer of 1957 in Gulfport, Mississippi. Both myself and the Respondent are each over the age of twenty-one years. I am a bona-fide resident citizen of the State of Alabama and have been such for more than one year next preceding the filing of the bill of complaint herein. The Respondent is a resident of the State of Mississippi. There are no minor children as issue of our marriage. The Respondent has voluntarily abandoned my bed and board since January of 1958. We were living on Pass Road, in Hansboro, Mississippi. The Respondent told me that she was dissatisfied and that she was leaving. This all happened suddenly and she did not give me any reason for her leaving. She left me in Mississippi and I have not lived with her in any respect as husband and wife since that time, which has been for more than one year next preceding the filing of the bill of complaint herein.

*Gene T. Garner*

FILED

JUL 6 1961

ALICE J. DUCK, CLERK  
REGISTER

TESTIMONY OF MRS. PAUL GARNER, WITNESS ON BEHALF OF THE COMPLAINANT:

I am the Complainant's mother. I am a resident of Prichard, Alabama. The Complainant and the Respondent were married to each other in the summer of 1957 at Gulf Port, Mississippi. Both the Complainant and the Respondent were each over the age of 21 years at the time of the filing of the Bill of Complaint herein. The Complainant is a bona-fide resident citizen of the State of Alabama and has been such for more than one year next preceding the filing of the bill of complaint herein. The Respondent is a bona-fide resident of the State of Mississippi and she lives and resides near Gulf Port, Mississippi. There are no minor children as issue of their marriage. The Respondent has voluntarily abandoned Complainant's bed and board since 1958, which has been for one year next preceding the filing of the Bill of Complaint herein. The Respondent went to live with her mother in the State of Mississippi in either the Winter of 1958 or in the Spring of 1959. She told the Complainant that she was not coming back to him and that she never intended to live with him again. She has refused to live with him and to have anything to do with him since she went to live with her mother and this has been for more than one year continuously next preceding the filing of the Bill of Complaint herein. The Complainant has lived in my neighborhood for the past three years in Prichard, Alabama. I know of my own knowledge that she has not been to see him or had anything to do with him for the past three years. The Complainant works in Mobile County and has been employed in Mobile County for the past three years.

Mrs. Paul Garner  
FILED

JUL 3 1961

ALICE J. DUCK, CLERK  
REGISTER

GENE T. GARNER,  
Complainant,

-vs-

PEGGY LOU GARNER,  
Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

IN EQUITY:

NO. \_\_\_\_\_

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

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

ONE

Complainant is the husband of the Respondent and they  
were married to each other in the summer of 1957 in Gulfport,  
Mississippi. Both the Complainant and the Respondent are each  
over the age of twenty-one years. The Complainant is a bona-fide  
resident citizen of the State of Alabama and has been such for  
more than one year next preceding the filing of the bill of  
complaint herein. The Respondent is a resident of the State of  
Mississippi. There are no children as issue of their marriage.

TWO

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

PRAYER FOR PROCESS

Complainant prays that Your Honors will take jurisdiction  
of this cause, will make the said Peggy Lou Garner, party respondent  
hereto, and will cause her to appear, plead, answer or demur  
hereto, within the time allowed by law and the rules of this  
Honorable Court.



GENE T. GARNER,

vs.

PEGGY LOU GARNER

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,  
~~Answer, Waiver and Agreement, and Depositions of Gene T. Garner~~  
~~and of Mrs. Paul Garner, witness on behalf of the complainant,~~

*William Grayson*  
WILLIAM GRAYSON, SOLICITOR  
FOR COMPLAINANT.

and in behalf of Defendant upon

*Alice French*  
Register.

*M*

No.-----

**State of Alabama**

Baldwin County

IN EQUITY

Circuit Court of Baldwin County

GENE T. GARNER,

VS.

PEGGY LOU GARNER

**Note of Testimony**

Filed in Open Court

**FILED**

day of

JUL 6 1961

, 19

**ALICE J. DUCK,**

CLERK  
REGISTER

Register.

SUMMONS

Moore Prtg - Bay Minette, Alabama

Colleen Brown
Vs.
Edward Brown
Defendant

*Circuit Court, Baldwin County Alabama*

Civil Action No.....11,095.....

To Any Sheriff or any person authorized by Rule 4 (a) (3) of the Alabama Rules of Civil Procedure to effect service in the State of Alabama:

You are hereby commanded to serve this summons and a copy of the complaint in this action upon defendant Edward Brown-1702 Forest Cove Drive, Building 11  
Apartment No. 207  
Mt. Prospect, Illinois 60056

Each defendant is required to serve a copy of a written answer to the complaint upon John S. Gonas, Jr., attorney of record for the plaintiff whose address is 2400 First National Bank Bldg, Mobile, Ala. within thirty (30) days after service of this summons excluding the day of service of the summons and to file the original of said written answer with the Clerk of this Court at the time of service of the answer upon the attorney of record for the Plaintiff or within a reasonable time thereafter. If any defendant fails to do so, a judgment by default may be entered against that defendant for the relief complained of in the complaint.

Date July 15, 1976

*Curran D. Sunda*  
Clerk of Court



IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

COLLEEN BROWN,	⌘	
Plaintiff,	⌘	
versus	⌘	EQUITY DIVISION
EDWARD BROWN,	⌘	
Defendant.	⌘	CASE NO. 11,095

MOTION TO SET ASIDE JUDGMENT OF DIVORCE

Comes now the plaintiff in the above styled cause, by and through her attorney, John S. Gonas, Jr., and submits this Motion to Set Aside Judgment of Divorce and as grounds therefor sets out the following:

That on January 7, 1976, this Honorable Court granted an order modifying the Judgment of Divorce in the above styled cause and ordered at that time that the defendant be granted custody of the minor child born of the marriage, namely: Leslie Claire Brown. Further, the defendant stated that the place of residence of Colleen Brown was unknown to him and could not be ascertained after reasonable effort. The Plaintiff further avers that the defendant fraudulently misrepresented to this Honorable Court that the place of residence of the plaintiff was unknown to him and that the Defendant had personal knowledge of the plaintiff's residence. Plaintiff further states that the defendant and plaintiff had arranged reasonable visitation rights and the defendant was to maintain custody of the child for approximately two weeks. Further, the defendant refused to release the minor child born of the marriage at the termination of the designated visitation rights. Since that time, the defendant has moved to the state of Illinois without informing the plaintiff of his new place of residence.

Plaintiff further states that when this Honorable Court granted a Judgment of Divorce in the above styled cause the defendant was ordered to pay the sum of \$80.00 per month towards the support of the minor child born of the marriage. Plaintiff further shows unto this Honorable Court that the defendant has failed or refused to pay the amount owed to your Petitioner and is presently in arrears of approximately \$2,000.00.

WHEREFORE, the plaintiff now requests that this Honorable Court set aside the order granted modifying the Judgment of Divorce and granting custody of the minor child, and, further, requests that an order be issued adjudging the defendant to be in contempt of this Honorable Court and providing for the allowance of an additional fee for her attorney for his services in representing her in this proceeding, and directing the Sheriff to place the Defendant in custody until such time as he purges himself of contempt and she prays for such other and different relief as she may be entitled to receive in the premises.



JOHN S. GONAS, JR.  
Attorney at Law  
2400 First National Bank Building  
Mobile, Alabama 36602  
(205) 432-4681

Please serve defendant by registered mail:

1702 Forest Cove Drive  
Building 11  
Apartment No. 207  
Mt. Prospect, Illinois 60056

PRAYER FOR RELIEF

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

William F. Morgan  
SOLICITOR FOR COMPLAINANT.

**FILED**

DEC 30 1959

ALICE J. DUCK, CLERK  
REGISTER