

4030x

DIVORCE DECREE

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

THERESA DRIVER FINCHER, Complainant

vs.

JAMES H. FINCHER, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decree Pro Confesso on Publication ----- 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 Theresa Driver Fincher ----- is forever divorced from the said James H. Fincher ----- for and on account of voluntary abandonment from bed and board.

It is further ORDERED, ADJUDGED and DECREED by the Court that the permanent care, custody and control of the minor children, to-wit, Debra Kaye Fincher and Theresa Leah Fincher, be given to the Complainant, Theresa Driver Fincher, and that the Respondent, James H. Fincher, pay to the Complainant, Theresa Driver Fincher, the sum of Seventy (\$70.00) per month, for the support and maintenance of the said two minor children until each child reaches its eighteenth birthday.

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 Theresa Driver Fincher ----- the Complainant ----- pay the cost herein to be taxed, for which executed may issue.

This 25 day of April 1960

Robert M. Steer

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 April 19 60

Register of Circuit Court, In Equity.

M

No. 4832 Page

THE STATE OF ALABAMA
BALDWIN COUNTY

In Circuit Court, In Equity

TERESA DRIVER FINCHER,

Complainant

vs.

JAMES H. FINCHER,

Respondent

DIVORCE DECREE

FILED

APR 25 1960

ALICE J. DUCK, CLERK
REGISTER

The Baldwin Times

"Baldwin's Only All County Newspaper"

BAY MINETTE, ALABAMA

J. H. FAULKNER, Publisher
E. R. MORRISSETTE, Jr., Editor-Manager

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
BALDWIN COUNTY.

E. R. Morrisette, Jr., being duly sworn, deposes and says that he is the EDITOR of THE BALDWIN TIMES, a Weekly Newspaper published at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of

Fincher vs Fincher

COST STATEMENT

190 WORDS @ 6 1/2 cents — — — \$ 12 ³⁵ =

I hereby certify this is correct, due and unpaid (paid).

E. R. Morrisette, Jr.
Editor.

was published in said newspaper for 4 consecutive weeks in the following issues:

Date of 1st publication February 25, 1960 Vol. 72 No. 7

Date of 2nd publication March 3, 1960 Vol. 72 No. 8

Date of 3rd publication March 10, 1960 Vol. 72 No. 9

Date of 4th publication March 17, 1960 Vol. 72 No. 10

Subscribed and sworn before the undersigned this 17 day of Mar, 1960

Dorothy Martin
Notary Public, Baldwin County.

E. R. Morrisette, Jr.
Editor.



THE STATE OF ALABAMA,
BALDWIN COUNTY

Circuit Court of Baldwin County, Alabama
(In Equity)

 THERESA DRIVER FINCHER , COMPLAINANT

vs.

 JAMES H. FINCHER , RESPONDENT

I, Alice J. Duck

as Register and Commissioner _____

have called and caused to come before me Theresa Driver Fincher

witness _____ named in the requirement for Oral Examination, on the _____ day of April
19 60, at the office of Clerk of Circuit Court, Baldwin County,
in Bay Minette, Alabama, and having first sworn said witness _____ to speak the
truth, the whole truth, and nothing but the truth, the said Theresa Driver Fincher

doth depose and say as follows:

I am a bona fide resident citizen of Baldwin County, Alabama, and over the age of eighteen years, and I have been a bona fide resident citizen of Baldwin County, Alabama, for more than twelve months next preceding the filing of this Bill of Complaint, and the Respondent, James H. Fincher, is a non-resident citizen of Alabama, and is over the age of nineteen years.

I and James H. Fincher, the Respondent, were married at Robertsdale, Baldwin County, Alabama, on March 5th, 1957, and lived together as husband and wife in Baldwin County, Alabama, until November 1st, 1958. Since that time I have seen the Respondent (Defendant) twice, and that was over twelve months past. The last time I knew of his whereabouts he was in Choctaw County, Alabama, and I have heard that he left there and went to Mississippi, although I have been unable to locate him in that State.

Two children were born to our marriage, Debra Kaye Fincher, born October 25, 1957, and Theresa Leah Fincher, born November 21, 1958. These children are now, and have always been in the custody of myself, the Complainant.

Since the Respondent left me in November, 1958, he has not contributed anything to the support of myself nor the above named children, either financial nor otherwise.

Theresa Driver Fincher

ORAL EXAMINATION

I, ALICE J. DUCK as Register and Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down in writing by me in the words of the witness _____ and read over to her and she signed the same in the presence of myself and Kenneth Cooper, Attorney at Law, at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness _____ or had proof made before me of the identity of said witness _____; that I am not of counsel or of kin to any of the parties to said cause, or any manner interested in the result thereof.

I enclose the said Oral Examination in an envelope to the Register of said court.

Given under my hand and seal, this 23 day of April, 19 60.

Alice J. Duck (L. S.)

No. <u>4832</u>	Page _____
THE STATE OF ALABAMA	
BALDWIN COUNTY	
IN CIRCUIT COURT, IN EQUITY	
THERESA DRIVER FINCHER,	
COMPLAINANT	
vs.	
JAMES H. FINCHER,	
RESPONDENT	
ORAL DEPOSITION	
Filed <u>April 23</u> , 19 <u>60</u>	Record _____
<u>Alice J. Duck</u> , Register.	RECORDED IN _____
Vol. _____	Page _____
Register.	_____

NOTICE OF SERVICE

Butler, Ala. *February 6* 19*51*

TO THE SHERIFF OF *Baldwin* County,
Bay Minette Alabama

I enclose herewith *this subject left from this County*
sometime last summer - Ferrell Aust. Co.
Coffeyville, Ala. might be able to give you
this present location -

Please serve and return as early as possible.

Archie F. Littlepage
Sheriff of Choctaw County.
J.K.L. - 25-

If not found in your county, please advise promptly giving information as to present location, if possible.

NOTICE TO NON-RESIDENT

The Baldwin Times, Bay Minette, Alabama

THERESA DRIVER FINCHER,

Complainant,

No.

The State of Alabama,

Baldwin County.

vs.

Circuit Court, in Equity

JAMES H. FINCHER,

Respondent

This the 18 day of

February, 1960 ~~194~~

In this cause it being made to appear to the Clerk of this Court by the affidavit of Kenneth Cooper, Solicitor of Record,

that the Defendant James H. Fincher

is a non-resident of the State of Alabama that his post office address or place of residence are unknown and after diligent efforts cannot be ascertained

and further, that, in the belief of said Affiant the Defendant over the age of 19 years; it is, therefore, ordered that publication be made in the Baldwin Times, a newspaper published in Bay Minette, Baldwin County, Alabama, once a week for four consecutive weeks, requiring James H. Fincher the said Respondent

to answer or demur to the Bill of Complaint in this cause by the 1st day of March ~~February~~, 1960 ~~194~~, or after thirty days therefrom a decree Pro Confesso may be taken against the said James H. Fincher.

Kenneth Cooper
Solicitor for Complainant

Alice J. Duck
Alice J. Duck Register.

THERESA DRIVER FINCHER,

Plaintiff,

vs.

JAMES H. FINCHER,

Defendant.

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,
Decree Pro Confesso on Publication and Testimony of

Theresa Driver Fincher

and in behalf of Defendant upon _____

Alice J. Duck
Alice J. Duck, Register.

M

No. 4832

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

THERESA DRIVER FINCHER,

Plaintiff,

VS.

JAMES H. FINCHER,

DEFENDANT.

Note of Testimony

Filed in Open Court this 25

day of April, 1960

Alice J. Duck,

Register.

The State of Alabama,
Baldwin County.

}

CIRCUIT COURT, IN EQUITY

No. 4832 April Term, 1960

THERESA DRIVER FINCHER, Complainant

Vs.

JAMES H. FINCHER, Defendant

Motion is hereby made for a Decree Pro Confesso against James H. Fincher

Defendant

in the annexed stated cause on the ground that more than thirty days have elapsed since the perfection of publication was made under the order of this Court; and it having been shown by due proof to the Court that said Defendant is a non-resident of the State of Alabama, and has failed to answer, plead or demur to the Bill in this cause, to the date hereof.

This 23 day of April 1960

746 Code

Kenneth Cooper
Kenneth Cooper

Solicitor.

No. 4832

Page _____

The State of Alabama
BALDWIN COUNTY

Circuit Court, In Equity

THERESA DRIVER FINCHER,

Complainant _____

Vs.

JAMES H. FINCHER,

Defendant _____

**Motion for Decree Pro Confesso
on Publication**

filed _____ **April 23** 19 **60**

Alice J. Duck
Alice J. Duck Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

The State of Alabama,
Baldwin County.

}

CIRCUIT COURT, IN EQUITY

No. 4832

April

Term, 19 60

THERESA DRIVER FINCHER,

Complainant

JAMES H. FINCHER,

Defendant

In this cause it appears to the Register Alice J. Duck that the order of publication heretofore made in this cause, was published for four consecutive weeks, commencing on the 25th day of February, 19 60, in the Baldwin Times a newspaper published in Bay Minette, Alabama, that a copy of said order was posted at the Court House door in _____ County, on the _____ day of _____, 19____, and

And it now further appearing to the Register Alice J. Duck, that the said

James H. Fincher

having, to the date hereof, failed to demur, plead to, or answer the Bill of Complaint in this cause, it is now, therefore, on motion of Complainant_____, ordered and decreed by the Register Alice J. Duck

that the Bill of Complaint in this cause be, and it hereby is in all things taken as confessed against the said James H. Fincher

This 23 day of April 19 60

Alice J. Duck
Alice J. Duck,

Register.

No. 4832

Page _____

The State of Alabama
BALDWIN COUNTY

Circuit Court, In Equity

THERESA DRIVER FINCHER,

Vs.

JAMES H. FINCHER

Decree Pro Confesso of Publication

Issued April 19 60

Alice J. Duck Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

THERESA DRIVER FINCHER,)
Complainant,)
Vs.)
JAMES H. FINCHER,)
Respondent.)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

Case No. _____.

BILL OF COMPLAINT

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

Comes your Complainant, THERESA DRIVER FINCHER, and
respectfully represents and shows unto Your Honor as
follows:

I.

That your Complainant is eighteen years of age and is
a resident of said County and State, and has been a bona fide
resident of the State of Alabama for more than two years next
preceding the filing of this Bill of Complaint; that the
Respondent, James H. Fincher, is nineteen years of age and
is a resident of the State of Alabama, and last resided in
Choctaw County, in said State.

II.

That your Complainant and the Respondent were lawfully
married at Robertsedale, Baldwin County, Alabama, on, to-wit,
March 5th, 1957.

III.

That there were born to the marriage between the Complainant
and the Respondent two children, Debra Kaye Fincher, age two
years, and Theresa Leah Fincher, age one year; that you
Complainant is a fit and proper person to have the care,
custody and control of said minor children; that the Respondent
is not a fit and proper person to have the care, custody and
control of said minor children; and that it is to the best in-
terest of said children that they be left in the permanent
custody, care and control of their mother, your Complainant.

IV.

Complainant further avers that said Respondent voluntarily abandoned the bed and board of Complainant for more than one year next preceding the filing of this Bill of Complaint, since which time Complainant and Respondent have not lived together nor in any way recognized each other as husband and wife.

PRAYER FOR PROCESS

WHEREFORE, THE PREMISES CONSIDERED, Your Complainant makes the said James H. Fincher party respondent to this, her Bill of Complaint, and in order that Complainant may have the relief herein prayed for, may it please Your Honor to cause the State's writ of Subpoena to be issued, directed to the same James H. Fincher, commanding him to plead, answer or demur to this Bill of Complaint within the time allowed by law.

PRAYER FOR RELIEF

Your Complainant further prays that on a final hearing of this cause Your Honor will make and enter a decree granting her the following separate and several relief:

1. Forever divorcing her from said Respondent.
2. Giving her the permanent care, custody and control of their minor children, to-wit, Debra Kaye Fincher and Theresa Leah Fincher.
3. Granting to your Complainant the sum of Seventy (\$70.00) Dollars per month from the Respondent, James H. Fincher, for the support of aforesaid minor children.

AND if your Complainant be mistaken in the relief to which she is entitled, then she 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 every pray, etc.

FILED

FEB

1960

ALICE J. DUCK, CLERK REGISTER

NOTICE TO TAKE DEED

101

THE STATE OF ALABAMA, COUNTY OF BALDWIN, BEFORE ME, the undersigned authority, on this 1st day of February, 1960, personally appeared JAMES H. FINCHER, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 1st day of February, 1960, at Bay Minette, Alabama.

THERESA DRIVER FINCHER,
Complainant,
Vs
JAMES H. FINCHER,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

BILL OF COMPLAINT

FILED
FEB 1 1960
MICE I. DUCK, CLERK
REGISTER

Kenneth Cooper
Bay Minette, Ala.
Solicitor for Complainant

THE STATE OF ALABAMA, COUNTY OF BALDWIN, BEFORE ME, the undersigned authority, on this 1st day of February, 1960, personally appeared JAMES H. FINCHER, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama,
Baldwin County.

Circuit Court, Baldwin County

No.

..... FEBRUARY TERM, 1960.

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon JAMES H. FINCHER

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

said JAMES.H. FINCHER

Respondent, ~~Defendant~~

by THERESA DRIVER FINCHER,

Complainant, ~~Plaintiff~~

Witness my hand this 1 day of February 19 60

Defendant's Address:

Silas, Ala.
Choctaw County.

Archie J. Busch, Clerk

Works on dam being constructed it is understood.

THERESA DRIVER FINCHER
Complainant

-VS-

JAMES H. FINCHER
Respondent

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

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

Comes now your Petitioner, Theresa Driver Fincher, and respectfully shows unto this Honorable Court as Follows:

ONE: That your Complainant is over the age of 19 years, and is a resident citizen of Baldwin County, Alabama; that the respondent is over the age of 21 years, and is a resident citizen of Baldwin County, Alabama, now residing in Loxley, Alabama.

TWO: That your Complainant and the Respondent were divorced by a final decree of divorce granted from this Court on the 25th day of April, 1960, for and on account of voluntary abandonment on the part of the respondent.

That in said decree the court ordered the Respondent, James H. Fincher to pay to your petitioner, as and for the support of their two minor children Debra Kaye Fincher and Theresa Leah Fincher, the sum of seventy (\$70.00) dollars per month, until each of the said children reached their eighteenth birthday.

That although the said James H. Fincher having the financial ability to comply with the requirements of the said decree, has willfully refused and failed to pay to your petitioner the sum directed to be paid for the support of the heretofore mentioned minor children.

Your petitioner further avers and verily believes that each time he has instituted some type of action to compel the respondent to conform to the final decree of divorce as granted by this court, that the respondent leaves the jurisdiction of the court in order to evade the terms of the said decree.

Your petitioner further avers that she has employed the services of John V. Duck, Attorney at Law, Fairhope, Alabama, for the purpose of prosecuting this proceeding; and that she is with-

out funds to pay the reasonable costs for her solicitor's fees in this matter:

Wherefore, the premises considered, your Petitioner Theresa Driver Fincher respectfully prays that this Court make and enter an order and decree requiring the said James H. Fincher to be and appear before this Honorable Court at such time and place as Your Honor may direct, to show cause, if any he have, why he should not be punished as for a contempt.

Your Petitioner further prays that Your Honor will issue a writ of Ne Exeat, directed to the Sheriff of Baldwin County, Alabama, to take in to custody the Respondent in this cause, to prevent him from leaving the jurisdiction of this court, while this cause is pending.

Your Petitioner further prays that upon a final hearing of these proceedings, Your Honor will direct that the said James H. Fincher be required to pay all of the back support as set out in the final decree of divorce; and your petitioner further prays that Your Honor will direct that the said Respondent, James H. Fincher pay a reasonable Solicitor's fee for John V. Duck, for his services in this proceeding.

Your Petitioner further prays for such other, further and different relief to which she may be entitled, and as indeed bound, she will forever pray.

Theresa Driver Fincher
Theresa Driver Fincher

STATE OF ALABAMA
BALDWIN COUNTY

Before me, the undersigned authority personally appeared Theresa Driver Fincher, and who being by me first duly and legally sworn doth depose and say on oath as follows:


That my name is Theresa Driver Fincher. I am the Complainant in this case.

That the foregoing facts stated in the Bill of Complaint as to names, ages, residence and the fact that the Respondent has left the jurisdiction of this court to evade conformity to the final decree as hereinabove set out are true and correct.

Theresa Driver Fincher
Theresa Driver Fincher

Sworn to and Subscribed before me on this the 4th day of _____

March, 1961.



Notary Public, Baldwin County
Alabama

THERESA DRIVER FINCHER
Complainant

-VS-

JAMES H. FINCHER
Respondent

||
||
||
||
||

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

RULE TO SHOW CAUSE

This day came Theresa Driver Fincher, and filed her verified petition for an order upon James H. Fincher to show cause why he should not be punished as for a contempt, a true and correct copy of said verified petition being hereto attached, and upon consideration of the same, it is therefore ordered, adjudged and decreed by the Court:

ONE: That the said James H. Fincher did appear before the Court in his own person at 10 M., on the 21 day of March, 1961, in the Court Room of the Circuit Court of Baldwin County, Alabama, at Bay Minette, Alabama, then and there to show cause if any he have, why he should not be punished as for a contempt of court, for and on account of the matters and things set out in the verified petition of the said Theresa Driver Fincher.

TWO: That the Sheriff of Baldwin County, Alabama, do forthwith serve upon the said James H. Fincher a copy of this order and the attached petition, and make due return thereof.

THREE: Done this the 7 day of March, 1961.

Hubert M. Hall
Judge of the Circuit Court

4832

Theresa Elmer Fincher

VS

James A. Fincher

Filed 8 day of Nov 1967

on 15 day of March 1961

received a copy of the within Petition

James A. Fincher

service on

TAYLOR WILKINS, Sheriff

By Steadham D. S.

Sheriff claims 40 miles at

Ten Cents per mile Total \$ 4.00

TAYLOR WILKINS, Sheriff

BY Steadham DEPUTY SHERIFF

1. Petition

2. Rule to Show Cause

[Faint handwritten notes at the bottom of the page]

THERESA DRIVER FINCHER,)
Complainant,)
Vs)
JAMES H. FINCHER,)
Respondent,)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

Case No. 4832.

OATH OF NON-RESIDENCE

Personally appeared before me, Alice J. Duck, Registrar of Circuit Court, Baldwin County, Alabama, Kenneth Cooper, Solicitor of Record for Complainant in above styled cause, Theresa Driver Fincher, who, being duly sworn, deposes and says that he is informed and verily believes that James H. Fincher, Respondent in above entitled cause, is a non-resident of the State of Alabama; that when Complainant in above styled cause began this proceeding there was evidence that said Respondent resided in Choctaw County, Alabama; but that when the Sheriff of Baldwin County, Alabama, Hon. Taylor Wilkins, send the Complaint to said Choctaw County, Office of Sheriff of said County, that the said Sheriff returned the Complaint with the notation thereon "Not Found"; and further, he says that all diligent efforts have been made to secure personal service on aforesaid Respondent, but to no avail because the Respondent's whereabouts cannot be ascertained.

Kenneth Cooper
Affiant

Sworn to and subscribed before me, this the 18 day of February, 1960.

Alice J. Duck
Registrar, Circuit Court,
Baldwin County, Alabama.

FILED

FEB 18 1960

ALICE J. DUCK, Register