

CECIL G. CHASON  
ATTORNEY AT LAW  
FOLEY, ALABAMA

2936

December 29, 1952

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

Dear Mrs. Duck:

Enclosed herewith is Motion for Dismissal in the case  
of Ruth Callaway -vs- Leon Callaway.

Very truly yours,



C. G. Chason

CGC:fm

encl. 1

The State of Alabama, Baldwin County

IN CIRCUIT COURT, IN EQUITY

To any Sheriff of the State of Alabama—Greeting:

You are hereby commanded to summon Leon Callaway

to appear and answer, plead, or demur, within thirty days from the service hereof, to a Bill of Complaint filed in said Circuit Court, in equity, for said County of said State.

by Ruth Callaway

against Leon Callaway

Herein fail not. Due return make of this writ as the law directs.

Witness this 20th day of December, 19 52

Ruth Callaway, Register.

(Defendant is entitled to a copy of the bill on application to the Register.)

The State of Alabama  
..... COUNTY.  
IN CIRCUIT COURT, IN EQUITY

vs.

SUMMONS

Returned by the Sheriff and filed in office, this  
the ..... day of ....., 19.....  
....., Register.

Received in office, this the ..... day of  
....., 19.....  
....., Sheriff.

I have executed the within by leaving a copy  
thereof with.....

defendant named herein, on this the.....  
day of....., 19.....  
....., Sheriff.  
By....., Deputy.

RUTH CALLAWAY,  
Complainant,

-vs-

LEIN CALLAWAY,  
Respondent

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

TO THE HONORABLE TELFAIR J. MASHBURN, JR., Judge of the Circuit  
Court, Sitting in Equity.

Comes the Complainant in the above styled cause and moves  
the dismissal of the Complaint heretofore filed without prejudice.

  
Solicitor for Complainant

RECORDED

0  
0  
0

STATE OF CALIFORNIA  
COUNTY OF SAN DIEGO  
I, \_\_\_\_\_, County Clerk of said County, do hereby certify that the within and foregoing is a true and correct copy of the \_\_\_\_\_ as the same appears from the records of said County.

*[Handwritten signature]*

Filed 1-2-53  
Alice J. Wrench  
Register

RUTH CALLAWAY,  
Complainant,

- vs -

LEON CALLAWAY,  
Respondent

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

TO THE HONORABLE TELFAIR J. MASHBURN, JR., Judge of the Circuit Court, Sitting in Equity.

Comes your Complainant, Ruth Callaway, and files this her Bill of Complaint for divorce against Leon Callaway and respectfully represents and shows unto your Honor:

1. That the Complainant is over the age of twenty-one years and is a resident citizen of the State of Alabama, Baldwin County. That Leon Callaway is over the age of twenty-one years and is a bona fide resident citizen of Baldwin County, although he occasionally remains in Mobile, County, Alabama, for extended periods.

2. That the Complainant and Respondent were lawfully married on to-wit:- November 21, 1933.

3. The Complainant further avers that the Respondent has committed actual violence on her person attended with danger to her life and health and from his conduct she is reasonably apprehensive of other and further violence, so much so that she can no longer live with the Respondent; that Resppndent has made numerous threats of doing her physical harm and from his manner and conduct toward her she is reasonably convinced that he will commit actual violence on her person attended with danger to her life or health.

4. That the Respondent holds title in his name to a small parcel of real estate in Baldwin County, Alabama, describes as follows, to-wit:-

From the Northwest corner of Fractional Section eighteen (18), Township nine (9) South, Range four (4) East, run West 795 feet for a point of beginning; thence South along the West line of Lot three (3) of Lot four (4) of the Wallace Division in Section six (6), Augustine La Coste grant, Township nine (9) South, Range three (3) East, as recorded in Map Book 1, Baldwin County, Alabama, Page 47, 4200 feet, more or less, to the North shore of Little Lagoon; thence Westerly along the said shore of Little Lagoon 33 feet; thence North and parallel to the East line of this Lot 4200 feet, more or less, to the North line of said Section six (6), Augustine La Coste grant, thence East 33 feet to the beginning, containing

3 1/3 acres, more or less, and known as Lot 1 of the James W. Callaway property (Map not of record).

That Complainant and Respondent jointly own two (2) other small parcels of real estate in Baldwin County, Alabama, more particularly described as follows, to-wit:-

From the Northwest corner of Fractional Section eighteen (18), Township nine (9) South, Range four (4) East, run West 828 feet for a point of beginning; thence South along the West line of Lot 1, Lot 3, Lot 4 of the Wallace Division of Section six (6) Augustine La Coste Grant, Township nine (9) South, Range three (3) East, as recorded in Map Book 1, Baldwin County, Alabama, Page 47, -4200 feet, more or less, to the North shore of Little Lagoon; thence Westerly along said shore of Little Lagoon 33 feet, thence North and parallel with the East line of this lot 4200 feet, more or less, to the North line of said Section six (6), Augustine La Coste Grant; thence East 33 feet to the beginning, containing 3 1/3 acres, more or less, and known as Lot 2 of the James W. Callaway property (Map not of record).

Lot Number three (3) of a Subdivision of Lot four (4) of the East Half (E $\frac{1}{2}$ ) of the Augustine La Coste Grant No. six (6) in Township nine (9) South, Range three (3) East, excepting therefrom a strip of land 24 feet in width along the East boundary of the above described property and extending from the South right-of-way line of the Fort Morgan Highway to Little Lagoon, all of the above property being more particularly described as follows: Begin at a point on the North margin of Little Lagoon 226 feet West from the Southeast corner of said Lot four (4); thence run North 5° West and parallel with the East line of said Lot four (4) to the South margin of the Fort Morgan Highway; thence run East along the South margin of the Fort Morgan Highway 24 feet; thence run North 5° West to the North line of said La Coste grant; thence run West along the North line of the said La Coste Grant 10k feet to a point; thence run South 5° East and parallel with the East line of the said Lot four (4) to the North margin of Little Lagoon; thence East along the said margin 77 feet to the point of beginning, containing ten (10) acres, more or less.

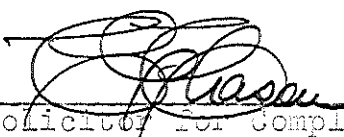
That they have constructed a small home on this property and that all of said property is a part of the home place. That by her own labors since marriage she has contributed a substantial portion of the money with which this property was purchased and the home constructed. Complainant further shows the Court that the Respondent is an able bodied man and gainfully employed.

5. Complainant further shows to the Court that there has been born of this marriage four (4) children, namely, Betty Callaway, 13 years of age, Lola Callaway, 11 years of age, Robert Callaway, 7 years of age, and Billy Callaway, 3 years of age. Complainant further shows to the Court that these children are in her care, custody and control.

#### PRAYER FOR PROCESS AND RELIEF

The premises considered, your Complainant prays that Leon

Callaway be made a party defendant of this cause by the usual process of this Honorable Court, requiring him to plead, answer or demur within the time and under the penalties prescribed by the rules of this Court and the Statutes in such cases made and provided; that upon a final hearing of this cause that she be granted a divorce from said Respondent and that she be granted custody and control of the minor children hereinabove named. Complainant further prays that the Respondent be directed by the Court to convey to her all of his right, title and interest in and to all the property hereinabove described, as full settlement of alimony and that the Court direct that upon Respondent's failure to make conveyance within thirty (30) days, that Register in Chancery be directed to make conveyance to the Complainant in behalf of the Respondent and that a copy of the Court's decree be placed of record in the office of the Probate Judge of Baldwin County, Alabama. Complainant further prays that the Respondent be ordered to pay the sum of twenty-five Dollars (\$25.00) per week for the support and maintenance of the minor children hereinabove named and that she be granted such sum as your Honor thinks reasonable, in payment of her Attorney's fees in this behalf. Should your Complainant be mistaken in the relief prayed for that she be granted such other further, different and general relief to which she may be entitled and as in duty bound she will ever pray.

  
Solicitor for Complainant