

1270

LIS PENDENS NOTICE

LEONA MCKENZIE,

Complainant,

VS.

FRANK M. MCKENZIE,

Respondent.

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

TO WHOM IT MAY CONCERN:

Notice is hereby given that the Complainant in this suit did on this date file in the Circuit Court of Baldwin County, Alabama, in Equity, against the Respondent, a Bill of Complaint in which she prays for an absolute divorce from the Respondent, for alimony pendente lite, solicitor's fees, permanent alimony and an equitable attachment on Respondent's leasehold interest in and to the following described property in Baldwin County, Alabama, to-wit:

The North Sixty-two (62) feet of Lot Four (4) and the West Half of Lot Seven (7) Block Eight (8), Division Four (4) of the Fairhope Single Tax Corporation in Fairhope, Alabama.

Complainant further prays the amounts decreed to be due her be decreed to be a lien on the above described property, the improvements thereon and the furniture situated therein, which is owned by the Respondent.

All persons are cautioned against purchasing the said property or acquiring any interest therein in any way except subject to the rights of the Complainant in this suit..

Dated this 3rd day of February, 1945.

J. B. Blackburn
Solicitor for Complainant, Leona McKenzie.

LIS PENDENS NOTICE

LEONA MCKENZIE, ³⁵

Complainant,

VS.

FRANK M. MCKENZIE, ³⁵

Respondent.

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

STATE OF ALABAMA, BALDWIN COUNTY

Filed 2/2/45 11/15/45
Recorded 2/2/45 11/15/45 241
and I certify that the following Privilege Tax has
been paid.
Deed tax _____
Mortgage tax _____

By MR. Stewart
LSW Judge of Probate

R 50

R S Decks

2-3-45

the described property in Baldwin County, Alabama, to-wit:

Attachment on Respondent's interest in the above described
property in the County of Baldwin, Alabama, and in the State
of Alabama, to-wit:

the interest in the property described in the above
captioned case, to-wit:

the interest in the property described in the above
captioned case, to-wit:

the interest in the property described in the above
captioned case, to-wit:

the interest in the property described in the above
captioned case, to-wit:



Bob Duck

IN ACCOUNT WITH
W. R. STUART
 JUDGE OF PROBATE, BALDWIN COUNTY

Please Return Bill With Remittance

Recording	from	to	Privilege Tax	Rec. Fee	Total
<i>2</i>	<i>Leona McKinley</i>	<i>Frank M McKinley</i>		<i>50</i>	<i>50</i>
	<i>2/2/45</i>				
	<i>Paid WR Stuart Probate Judge</i>				
	<i>by L B W</i>				

LEONA MCKENZIE,
Complainant,
VS.
FRANK M. MCKENZIE,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NUMBER _____

FINAL DECREE

This cause coming on to be heard on this date and a dismissal of this cause having been requested by the Complainant, it is therefore ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. This cause shall be and it is hereby dismissed without prejudice.
2. The costs of this proceeding are hereby taxed against the Complainant, for which execution may issue.

ORDERED, ADJUDGED AND DECREED this 24th day of September, 1945.

J. W. I. Lane

Judge.

FINAL DECREE

LEONA McKENZIE,

Complainant,

VS.

FRANK M. McKENZIE,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY. NUMBER 1270

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETING:

You are hereby commanded to summon Frank M. McKenzie to appear within thirty days from the service of this writ in the Circuit Court to be held for said County, Equity, Side, at the place of holding same, then and there to plead to, answer or demur to the Bill of Complaint filed against him by Leona McKenzie.

Witness my hand this 3rd day of February, 1945.



Register.

TO THE HONORABLE F. W. HARE, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, SITTING IN EQUITY:

Your Oratrix, Leona McKenzie, presents this Bill of Complaint against Frank M. McKenzie, and thereupon your Oratrix complains and shows unto the Court and your Honor as follows:

1. Your Oratrix is over twenty-one years of age and a bona fide resident citizen of Baldwin County, Alabama, where she has resided for more than one year next preceding the filing of this Bill of Complaint. The Respondent, Frank M. McKenzie, is over twenty-one years of age, is a non-resident of the State of Alabama, whose present place of residence and post office address are unknown and cannot be ascertained after diligent inquiry. The last known place of address of the said Respondent was Mulberry, Florida.

2. Your Oratrix and the said Respondent, Frank M. McKenzie who is sometimes known as Frank McKenzie, were lawfully married at Orville, Alabama, on to-wit, August 4, 1904 and lived together as man and wife until on December 15, 1943 when the said Respondent, Frank M. McKenzie voluntarily abandoned your Oratrix without fault on her part.

3. At the time the Respondent, Frank M. McKenzie voluntarily abandoned your Oratrix on to-wit, December 15, 1943, your Oratrix and the said Respondent were living at Fairhope, in Baldwin County, Alabama, and when the said Respondent voluntarily abandoned your Oratrix on to-wit, December 15, 1943 your Oratrix and the said Respondent were living at Fairhope, in Baldwin County, Alabama, and when the said Respondent voluntarily abandoned your Oratrix he removed from the Bank of Fairhope and carried with him a large sum of money which represented the joint savings of your Oratrix and the said Respondent which were for convenience carried on deposit in the said Bank of Fairhope in the name of the Respondent.

4. The Respondent, Frank M. McKenzie, also known as Frank McKenzie, does not own any property in the State of Alabama except a leasehold interest in and to the North Sixty-two (62) feet

of Lot Four (4) and West Half of Lot Seven (7) in Block Eight (8) Division Four (4) of the lands of the Fairhope Single Tax Corporation situated in the Town of Fairhope, Alabama, according to the Fairhope Single Tax Corporation's plat filed for record in the office of the Probate Judge of Baldwin County, Alabama on September 13, 1911 and certain furniture situated in the residence on the said property, all of which is the property of the said Respondent and is the home-
stead of your Oratrix and the said Respondent, the place where they were living at the time the said Respondent voluntarily abandoned your Oratrix and the place where your Oratrix has resided continuously since the said date and where she is now living.

5. Your Oratrix does not have any funds or property with which to support herself and does not have funds or money to pay her solicitor for the services rendered and to be rendered by him in the prosecution of this suit.

6. Your Oratrix further alleges that after the said Respondent, Frank M. McKenzie, voluntarily abandoned her and on or about March 22, 1944 he filed in the Circuit Court of Polk County, Florida a bill for divorce in which he fraudulently and falsely alleged that the Respondent was a resident of Waycross, Georgia, and that he, the Complainant in the said suit, was unable to give a more particular address of the said Defendant. He further fraudulently and falsely alleged in the said Bill of Complaint which was sworn to by him that your Oratrix deserted him on or about November 1, 1938, all of which was sworn to by the said Frank M. McKenzie before J. B. White, a Justice of Peace, District Number 1, Polk County, Florida, on to-wit, March 22, 1944. Your Oratrix had no knowledge whatever of the pending divorce proceedings, was not served with process either personally or by registered mail and after the filing of the Bill of Complaint in the Circuit Court of Polk County, Florida and on to-wit, May 16, 1944, the said Court purported to render a Decree divorcing the Respondent, Frank M. McKenzie, from your Oratrix, which Decree is wholly and entirely

void because of the fraud which the said Respondent, Frank M. McKenzie, practiced on the Court by the false and fraudulent allegations contained in the said Bill of Complaint and sworn to by him. Your Oratrix further alleges that the said Respondent has at all times known her exact place of residence and exact past office address and that he knew when the said Bill of Complaint was sworn to by him that she was then residing in the same place where she was residing when he voluntarily abandoned her.

PRAYER FOR PROCESS

Your Oratrix prays that the Court will take jurisdiction of the cause made by this Bill of Complaint and that due notice thereof be given to the Respondent, Frank M. McKenzie, in the form and manner prescribed by law requiring him to appear and plead to, answer or demur to the said Bill of Complaint within the time and under the pains and penalties prescribed by law and the practice of this Honorable Court.

PRAYER FOR RELIEF

THE PREMISES CONSIDERED, your Oratrix respectfully prays for the following separate and several relief:

1. That an equitable attachment be issued requiring the Sheriff of this County to attach the Respondent's leasehold interest in and to all of the above described property and the furniture therein.
2. That the Court will order a reference to be held before the Register in order that he may ascertain and report to the Court the amount of alimony pendente lite that should be allowed your Oratrix and the amount of solicitor's fees to be allowed and paid to the solicitor for your Oratrix.
3. That the bonds of matrimony now existing between your Oratrix and the said Frank M. McKenzie be dissolved and that your Oratrix be forever divorced from him on the ground of abandonment.
4. That a proper Decree be made and entered fixing and allowing to your Oratrix a reasonable sum for permanent

alimony and decreeing that the said amount be paid to her in a lump sum.

5. That alimony pendente lite, solicitors' fees, permanent alimony and the costs of this proceeding be decreed to be a lien on all of the property described in the Bill of Complaint and that the said property be ordered sold in satisfaction of the said lien if the amount decreed to be due your Oratrix is not paid within the time prescribed by the Decrees of this Court.

6. Your Oratrix further prays for such other, further and general relief as she may be equitably entitled to the premises considered.

Leona McKenzie

Oratrix.

Solicitor for Oratrix.

STATE OF ALABAMA |
BALDWIN COUNTY |

Before me, the undersigned authority within and for said County in said State, personally appeared Leona McKenzie, who, after being by me first duly and legally sworn, deposes and says: That she is the Complainant or Oratrix named in the foregoing Bill of Complaint and that the allegations contained therein are true. Affiant further deposes and says that the Respondent is a non-resident of the State of Alabama, that he has secreted himself so that ordinary process of law cannot be served on him and that this attachment is not sued out for the purpose of vexing or harrassing the said Respondent.

Leona McKenzie

Sworn to and subscribed before me
on this the 31st day of January, 1945.

Notary Public, Baldwin County, Alabama.