

left without just cause and reasonable excuses; that he always stands ready, willing, and able to provide for her and the children at home; that this Complaint was filed without cause and this Defendant ought not to be compelled to pay her solicitors fees in this cause; that it is her duty to return to her home.

And now having fully answered, the Defendant prays that he may go hence with his responsible cause in this behalf expended.

BEEBE & HALL

By: Solicitors for Defendant.

Answer
Pearl S. Berga
vs
Site Berga

Filed

9-13-45-

R.S. Duck
Register

SUMMONS

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Pete Berga to appear within thirty days from the service of this writ in the Circuit Court, Equity Side, to be held for said County at the place of holding same, then and there to demur, plead to, or answer the Bill of Complaint of Pearl S. Berga.

Witness my hand this 31st day of August, 1945.

R. H. Buck

Register.

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

Your Oratrix, Pearl S. Berga, presents this Bill of Complaint against Pete Berga, and thereupon your Oratrix complains and shows unto the Court and your Honor as follows:

1. Your Oratrix and the said Pete Berga are each over twenty-one years of age and are each residents of Baldwin County, Alabama.

2. Your Oratrix and the said Pete Berga were lawfully married in Pensacola, Florida, by the County Judge during the year 1931 and were re-married at Daphne, in Baldwin County, Alabama, during the year 1931 by the Reverend Father J. J. Loftus. Your Oratrix and the said Pete Berga have lived together as man and wife in Baldwin County, Alabama, continuously from the time of their said marriage until on to-wit, August 25, 1945, when they separated. Your Oratrix further alleges that she is a bona fide resident citizen of Baldwin County, Alabama, where she has resided continuously for more than one year next preceding the filing of this Bill of Complaint.

3. There was born to the said union four children, namely: Pete Berga, Jr., a boy, fourteen years of age; Vernon J. Berga, a boy, twelve years of age; Pearl Catherine Berga, a girl, nine years of age, and Virginia Louise Berga, a girl, five years of age; each and all of whom are now residing with and in the custody of your Oratrix, in Baldwin County, Alabama.

4. The said Pete Berga has become addicted since the said marriage to habitual drunkenness.

5. The said Pete Berga is under the influence of intoxicating liquor or beverage the greater part of his time, which condition has existed for several months preceding the filing of this Bill of Complaint and while in such intoxicated condition he threatens and abuses your Oratrix, which said threats and actions

have continued on the part of the said Pete Berga for many months, as a result of which your Oratrix is now in a bad physical condition and is threatened and on the verge of a nervous breakdown.

Because of said threats and actions on the part of the said Pete Berga, your Oratrix has been put in fear of being severely injured or done great bodily harm if she tries to continue to live with him.

6. Your Oratrix does not have any funds or property with which to support herself and the said children. The said Pete Berga owns in his own right approximately one hundred forty (140) acres of valuable land with the improvements thereon, which said property is situated in Belforest, in Baldwin County, Alabama, and is described as follows, to-wit:

East Half of Southwest Quarter of Northeast Quarter;
East Half of Northwest Quarter of Southeast Quarter of
Section Fifteen (15);
West Half of Northeast Quarter of Northeast Quarter;
Northwest Quarter of Northeast Quarter of Section Twenty-
three (23);
Northwest Quarter of Northwest Quarter of Section Twenty-three,
all in Township Five (5) South Range Two (2) East;
EXCEPT that part owned by M. H. Grimes, et al, and also
excepting one and one-half acres described as follows, to-wit:
Beginning at the Northwest Corner of the Northwest Quarter
of the Northwest Quarter of said Section Twenty-three (23),
run thence East 313 feet, South 209 feet, West 313 feet,
North 209 feet to the place of beginning;

and also owns in his own right an automobile, truck, tractor and other personal property. The said Pete Berga also owns an undivided one-fifth interest in and to Lots Numbered Five (5), Six (6), Seven (7), Eight (8), Nine (9) and ten (10) in Block Numbered Three (3) of Dryer's Subdivision according to the official plat thereof recorded in Map Book 1 at page 198, Baldwin County Records, and also an undivided one-fifth interest in and to Lots Numbered Fifteen (15) and Sixteen (16) in Block One (1) and Lots Numbered One (1), Two (2), Three (3) and Four (4) in Block Three (3) of the Stoddard Grove Addition to the Town of Robertsdale, being the property acquired by Joe Berga, now deceased, by deeds recorded in Deed Book Number 41 N. S. at pages 81 and 83, Baldwin County

Records. The said Pete Berga also owns an undivided one-fourth interest in all livestock, farm implements, equipment and tools; two (2) shares of stock in the Alabama Power Company and four (4) shares of stock in the First National Bank of Mobile. The said Pete Berga also owns an undivided one-sixth interest in all moneys, stocks, bonds, notes, mortgages, choses in action and any and all other property of every kind and description that was owned by his father, Joe Berga, now deceased; all of which property is conservatively valued at more than Twenty Thousand Dollars (\$20,000.00) and free from all liens and encumbrances.

7. Your Oratrix further alleges that she is without means of support for herself and the said children and has no funds or money to pay her solicitor for the services rendered by him in the prosecution of this suit.

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, Pete Berga, in the form and manner prescribed by law, requiring him 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.

PRAYER FOR RELIEF

The premises considered, your Oratrix respectfully prays for the following relief:

1. That the Court will order a reference to be held before the Register in order that he may ascertain and report the following:

(a) The amount of alimony pendente lite that should be allowed your Oratrix.

(b) The amount of solicitor's fee to be allowed and paid the solicitor for your Oratrix.

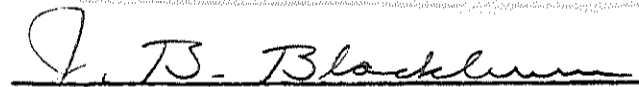
2. That the bonds of matrimony now existing between your Oratrix and the said Pete Berga be dissolved and that your Oratrix be divorced from him.

3. That your Oratrix be given and granted the permanent custody and control of the said minor children.

4. That alimony pendente lite, permanent alimony and a reasonable solicitor's fee for the attorney for your Oratrix be fixed and allowed to be paid out of the estate of the said Pete Berga, and that all of said sums be decreed to be a lien on all of the property of the said Pete Berga.

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

Respectfully submitted,


Solicitor for Oratrix.

1-22-46

Comes the Complainat by attorney and moves the Court to dismiss this cause and the Same being considered by the Court, it is ordered that this cause be dismissed but without Prejudice, It is further ordered that the Complainant pay the Costs of this suit for ~~xxx~~ execution may issue

PEARL S. BERGA,
Complainant,
VS.
PETE BERGA,
Respondent.

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

DECREE ORDERING REFERENCE

THIS cause coming on to be heard on this date is submitted on behalf of the Complainant upon the original Bill of Complaint and Motion for Reference, from which the Court is convinced that a reference should be held with all convenient dispatch, WHEREUPON, it is therefore ORDERED, ADJUDGED AND DECREED by the Court that this cause be and it is hereby referred to the Register of this Court who shall hold a reference, the time of which he shall give notice to the Respondent as provided by law, and at such reference he shall:

1. Hear testimony, ascertain and report to the Court what sums should be paid to the Complainant as alimony pendente lite from the Estate of the Respondent.

2. He shall hear testimony, ascertain and report to the Court what is a reasonable attorney's fee to be paid to Complainant's solicitor of record for services rendered by him in this cause.

All other matters are reserved by the Court for such other and further orders as may be necessary and proper in the premises.

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

J. M. Hare

Judge.

1396

DECREE ORDERING REFERENCE

PEARL S. BERGA,

Complainant,

VS.

PETE BERGA,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

Filed 9-29-45
Dawson
Ry

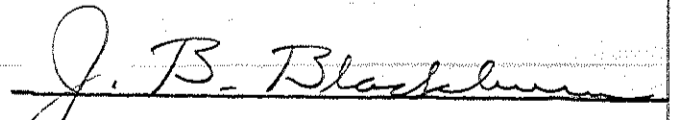
PEARL S. BERGA,
Complainant,
VS.
PETE BERGA,
Respondent.

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

MOTION FOR DECREE ORDERING REFERENCE

Now comes the Complainant, by her Solicitor and respectfully represents unto the Court and your Honor that she is as alleged in the Bill of Complaint filed by her in this cause, without means of support and that it is necessary and proper that a reference be held in this cause to determine the amount of alimony pendente lite which should be paid to Complainant and to also determine the amount of solicitor's fees that shall be paid to her solicitor of record, WHEREFORE, Complainant moves the Court to order a reference to be held by the Register of this Court with all convenient dispatch for the purpose of hearing testimony, ascertaining and reporting to the Court the amount that should be paid to the Complainant as alimony pendente lite from the Estate of the Respondent and to also hear testimony, ascertain and report to the Court as to what is a reasonable attorney's fee to be paid to Complainant's solicitor of record for the services rendered by him in this cause.

Respectfully submitted,


Solicitor for Complainant.

1396

MOTION FOR DECREE ORDERING
REFERENCE.

PEARL S. BERGA,

Complainant,

VS.

PETE BERGA,

Respondent.

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

Filed 9.24.45
R. J. [Signature]
[Signature]