

Katherine Zaruba.

VS.

Frank Zaruba.

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

This cause is submitted in behalf of Complainant upon the original Bill of Complaint, _____
Decree Pro Confesso. and Testimony of Katherine Zaruba. and
Henry Zaruba.

and in behalf of Defendant upon _____

R. S. Seck

Register.

**CIRCUIT COURT, BALDWIN COUNTY, ALA.
IN EQUITY**

Katherine Zaruba

No. 779

VS.

Frank Zaruba

PLAINTIFF

DEFENDANT

BILL OF COSTS

FEES OF REGISTER		Dollars	Cents	Brought Forward	
Filing each bill and other papers	\$ 10		90	For Receiving, keeping and paying out or distributing money, etc.: 1st \$1,000, 1%, all over \$1,000, and not over \$5,000, 3-4 of 1%; all over \$5,000 and not exceeding \$10,000, 1-2 of 1%, all over \$10,000 1-4 of 1%.	
Issuing each subpoena	50			Receiving, keeping and paying out money paid into court, etc., 1-2 of 1% of amount received.	
Issuing each copy thereof	40			Each notice sent by mail to creditor ...	15
Entering each return thereof	15			Filing receipting for and docketing each claim, etc.	25
For each order of publication	1 00	1 00		For all entries on subpoena docket, etc.	50
Issuing Writ of injunction	1 50			For all entries on commission docket, etc.	50
For each copy thereof	50			Making final record, per 100 words....	15
Entering each return thereof	15			Certified copy of decree	1 00
Issuing Writ of Attachment	1 00			Report of divorce to State Health Office (Acts 1915)	50
Entering each return thereof	15			TOTAL FEES OF REGISTER..	
Docketing each case	1 00	1 00		FEES OF SHERIFF	
Entering each appearance	25			Serving and returning subpoena on deft. \$1 50	
Issuing each decree pro confesso on per ser. 1 00	1 00			Serving and returning subpoena for witness	65
Issuing each decree pro confesso on publica 1 00	1 00			Levying attachment	1 50
Each order appointing guardian	1 00			Entering and returning same.....	25
Any other order by Register	50			Selling property attached	75
Issuing Commission to take testimony	50			Impaneling Jury	2 50
Receiving and filing	10		60	Executing Writ of possession	1 50
Endorsing each package	10		10	Collecting execution for costs	65
Entering order submitting cause	50		50	Serving and returning sci. fa., each	65
Entering any other order of court.....	25			Serving and returning notice	1 50
Noting all testimony	50			Serving and returning writ of injunction 1 50	
Abstract of cause, etc.	1 00			Serving and returning writ of exeat.	1 50
Entering each decree	75		75	Taking and approving bonds, each	75
For every 100 words over 500.....	15			Collecting money on execution	2 50
Taking account, etc.	3 00			Making Deed	1 00
Taking testimony, etc	15	6 35		Serving and returning application, etc. 1 00	
Each report, 500 words or less	2 50			Serving attachment, contempt of court. 1 50	
For every 100 words over 500	15			TOTAL FEES OF SHERIFF..	
Amount claimed less than \$500, etc	2 00			RECAPITULATION	
Issuing each subpoena	25			Register's Fees	11 35
Witness certificate, each	25			Sheriff's Fees	5 00
Issuing execution, each	75			Commissioner's Fees <i>State Health</i>	
Entering each return	15			Solicitor's Fees	
Taking and approving bond, each	1 00			Witness Fees	
Making copy of bill, etc	15			Guardian Ad Litem	
Each notice not otherwise provided for	50			Printer's Fees <i>John A. ...</i>	8 28
Each certificate or affidavit, with seal	50			Trial Tax	3 00
Each certificate or affidavit, no seal	25			Recording Decree in Probate Court	
Hearing and passing on application, etc. 3 00	3 00			TOTAL.....	27 63
Each settlement with Receiver, etc.	3 00				
Examining each voucher of Receiver, etc	10				
Examining each answer, etc.	3 00				
Recording resignation, etc	75				
Entering each certificate to Supreme Court	50				
Taking questions and answers, etc	25				
For all other ser relating to such proceedings 1 00	1 00				
For services in proceeding to relieve minors, etc., same fee as in similar cases.					
Commission on sales, etc: 1st \$100, 2 per cent: all over \$100 and not exceeding \$1,000, 1 1-2 per cent; all over \$1,000, and not exceeding \$20,000, 1 per ct; all over 20,000, 1-4 of 1 per cent.					
Sub Total Carried Forward					

279

The State of Alabama,
Baldwin County.

CIRCUIT COURT, IN EQUITY.
No. 279 Term, 192 37

..... Katherine Zaruba. Complainant.
vs. Frank Zaruba. Defendant.

In this cause it appears to the Register R S Duck, that the order of publication heretofore made in this cause, was published for four consecutive weeks, commencing on the 3rd day of December, 192 36, in the Foley Onlooker a newspaper published in Foley Alabama, that a copy of said order was posted at the Court House door in Baldwin. County, on the 30th day of November. 192 36, and

And it now further appearing to the Register R S Duck., that the said ~~XXXXXX~~ Frank Zaruba.

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 R S Duck. that the Bill of Complaint in this cause be, and it hereby is in all things taken as confessed against the said Frank Zaruba.

This 1st day of February. 192 37

R S Duck Register.

The State of Alabama, {
Baldwin County

CIRCUIT COURT

To ^D Edith Howell.

KNOW YE: That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, at such time and place as you may appoint, to call before you and examine Katherine Zaruba and Henry Zaruba

as witnesses in behalf of Complainant in a cause pending in our Circuit Court of Baldwin County, of said State, wherein Katherine Zaruba.

and Farnk Zaruba. Complainant

Defendant,

on oath to be by you administered, upon to take and certify the deposition... of the witness... and return the same to our Court, with all convenient speed, under your hand.

Witness 3rd day of February. 19 37

R. L. [Signature]

REGISTER

COMMISSIONER'S FEE, \$

WITNESS' FEES, \$

KATHERINE ZARUBA,
Complainant,

vs.

FRANK ZARUBA,
Respondent.

)
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN CHANCERY

DEPOSITION

Katherine Zaruba, being first duly sworn, on her oath deposes and says:-

My name is Katherine Zaruba and I am the complainant in this action for divorce. I have lived in Baldwin County, Alabama, continuously for more than ten years with the intention of making it my permanent home. I was married to the respondent, Frank Zaruba in Bay Minette on the 6th day of March, 1928. At that time I was a widow with three children and I owned a farm in Baldwin County and had some money and property.

The respondent lived with me until August 13th, 1932, and by that time he had got all of my money and so he left and went to Texas and I have not seen nor heard from him since. I was always a good wife to him and gave him all the money I had in the world and as soon as he had it all, he just picked up and left.

Katherine Zaruba

TESTIMONY OF HENRY ZARUBA

My name is Henry Zaruba and I am a son of Mrs. Katherine Zaruba, the complainant in this case. The respondent, Frank Zaruba, is my step-father.

I know that he left my mother about five years ago and went away and has never been back since and I know that he ^{has} never sent her any money, or written to her since he left.

Henry Zaruba

CERTIFICATE

STATE OF ALABAMA }
BALDWIN COUNTY }

I, Edith Howell, by virtue of the attached Commission To Take Depositions, the commissioner to take the deposition of Katherine Zaruba and Henry Zaruba, witnesses for the complainant, do hereby certify that I called said witnesses before me at my office in Foley, Alabama, on the 11th day of February, 1937, and after each of said witnesses were duly sworn to tell the truth, the whole truth and nothing but the truth, I took down their testimony in shorthand and later reduced the same to typewriting after which the said testimony was read and signed by each of said witnesses.

That I have personal knowledge of the identity of said witnesses and I am not of counsel or of kin to any of the parties to said cause and in no way interested in the result thereof.

IN WITNESS WHEREOF: I have hereunto set my hand this 11th day of February, 1937.

Edith Howell

KATHERINE ZARUBA,
Complainant,
vs.
FRANK ZARUBA,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN CHANCERY

BILL OF COMPLAINT

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

PART ONE

Your Complainant respectfully shows to the Court that she is over the age of twenty-one years and a resident of Baldwin County, Alabama, residing near Summerdale therein; that the respondent, Frank Zaruba, is also over the age of twenty-one years and a non-resident of the State of Alabama, his place of residence and present whereabouts being unknown to your Complainant.

PART TWO

Your Complainant avers:

1. That the complainant and the respondent were legally married in Bay Minette, Alabama, on the 6th day of March, 1928, and ever since said marriage your complainant has conducted herself towards the respondent as a faithful and obedient wife.

2. That your Complainant is now and has been for more than three years next preceding the filing of this bill, a bona fide resident of Baldwin County, Alabama.

3. That both parties had been married before and complainant has three children by her former marriage but there is no issue of the marriage between complainant and respondent.

4. On or about the 13th day of August, 1932, and more than two years next preceding the filing of this bill of complaint, the respondent voluntarily and willfully and without good cause


abandoned your complainant and she has not seen him since and does not know where he now is and because of such abandonment, your complainant desires a divorce from the respondent.

PRAYER FOR PROCESS

Wherefore, your complainant prays that your Honor will order and direct that the Register of this Court make out and superintend the appropriate order of publication to the non-resident respondent, Frank Zaruba, commanding him within thirty days after the period specified in the order of publication to appear and answer, demur or otherwise plead to this bill of complaint and to stand to and abide such order and decree therein as to this Honorable Court shall seem proper; and your complainant shall ever pray &c.

PRAYER FOR RELIEF

And your Complainant prays that your Honor will, upon the final hearing of this cause, grant to her a decree of absolute divorce from the respondent, Frank Zaruba, and that she may have such other, further and different relief in the premises as may be just and equitable.


Solicitor for Complainant.

FOOTNOTE

The respondent, Frank Zaruba, is hereby required to answer the allegations of part two of the above bill, from section one to section four, inclusive, but not under oath, oath to answer being expressly waived.


Solicitor for Complainant.

NON-RESIDENT NOTICE.

KATHERINE ZARUBA,

Complainant,

VS.

FRANK ZARUBA,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY. NO. 279.

STATE OF ALABAMA,

BALDWIN COUNTY.

In this cause it is made to appear to the Register by the affidavit of Katherine Zaruba, Complainant in the above styled cause, that the Respondent, Frank Zaruba, is a non-resident of the State of Alabama, and that his place of residence and Post Office address is unknown and cannot be ascertained after diligent search and inquiry and that in the belief of affiant said Respondent is over the age of twenty-one years.

It is therefore ordered by the Register that publication be made in the Foley Onlooker, a newspaper published in Baldwin County, Alabama, once a week for four consecutive weeks, requiring him, the said Frank Zaruba, to plead, answer or demur to the Bill of Complaint in this cause by the 31st day of December, 1936, or in thirty days thereafter a decree pro confesso may be taken against him.

Dated this 3rd day of November, 1936.



Register.

LLOYD A. MACHRY,
Solicitor for Complainant.

KATHERINE ZARUBA,
Complainant,
vs.
FRANK ZARUBA,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN CHANCERY
AFFIDAVIT

STATE OF ALABAMA)
BALDWIN COUNTY)

Katherine Zaruba, being first duly sworn, on her oath deposes and says, that she is the complainant in the above entitled cause of action; that the respondent, Frank Zaruba, left the State of Alabama, on or about the 13th day of August, 1932, and ever since that time affiant has been unable to find or locate the said Frank Zaruba and does not now know his whereabouts or place of residence and the said Frank Zaruba is a non-resident of the State of Alabama.

X Katherine Zaruba

Subscribed in my presence and sworn to before me this 28
day of November, 1936.

Lois Tompney
Notary Public

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

KATHERINE ZARUBA.

Complainant

vs.

FRANK ZARUBA.

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 Katherine Zaruba, is forever divorced from the said

Frank Zaruba.

for and on account of 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 again marry except to each other during the pendency of said appeal.

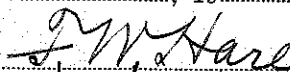
It is further ordered that Katherine Zaruba.

be, and She is. hereby permitted to again contract marriage upon the payment of the cost of this suit.

It is further ordered that Katherine Zaruba,

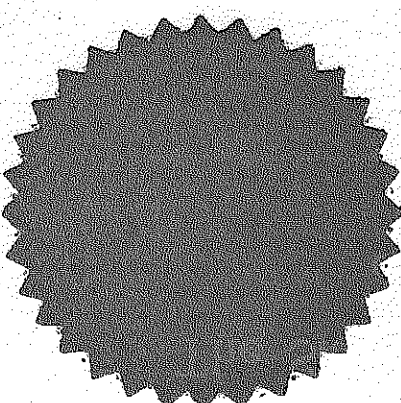
the Complainant. pay the cost herein to be taxed, for which execution may issue.

This 13th day of February., 1937



Judge Circuit Court, in Equity.

I, _____, Register of the Circuit Court for 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 _____, 19_____

Register of Circuit Court, in Equity.

NON-RESIDENT NOTICE

Katherine Zaruba, Complainant,
Vs.
Frank Zaruba, Respondent.

In the Circuit Court of
Baldwin County, Alabama.
In Equity. No. 279.

State of Alabama,
Baldwin County.

In this cause it is made to appear to the Register by the affidavit of Katherine Zaruba, Complainant in the above styled cause, that the Respondent, Frank Zaruba, is a non-resident of the State of Alabama, and that his place of residence and Post Office address is unknown and cannot be ascertained after diligent search and inquiry and that in the belief of affiant said Respondent is over

the age of twenty-one years.

It is therefore ordered by the Register that publication be made in the Foley Onlooker, a newspaper published in Baldwin County, Alabama, once a week for four consecutive weeks, requiring him, the said Frank Zaruba, to plead, answer or demur to the Bill of Complaint in this cause by the 31st day of December, 1936, or in thirty days thereafter a decree pro confesso may be taken against him.

Dated this 30th day of November, 1936.

R. S. DUCK,
Register.

LLOYD A. MAGNEY,
Solicitor for Complainant.
3-10-17-24

AFFIDAVIT OF PUBLICATION

I, Frank V. Barchard

Editor of The Onlooker, published at

Foley, Ala., do solemnly swear that a copy of the above notice, as per clipping attached, was published once each week in the regular and entire edition of said newspaper, and not in any supplement thereof, for 4 consecutive weeks, commencing with the issue dated Dec. 3, 1936, and ending with the issue dated Dec. 24, 1936.

Frank V. Barchard

Subscribed and sworn to before me this 30 day

of December, 1936

My Commission Expires Oct. 11, 1939

[Signature]
Notary Public

The Foley Onlooker

BARCHARD PUBLISHING CO.

Robertsdale News-Herald

Foley, Ala., Dec. 24, 1936

Lloyd A. Magney
Foley, Ala.

HIGH QUALITY JOB PRINTING

Statement as Rendered
Legal
Zaruba

8 28

RECORDED

such
7-26

No. 279.

The State of Alabama
BALDWIN COUNTY

IN EQUITY
Circuit Court of Baldwin County

Katherine Zaruba,

vs.

Frank Zaruba.

NOTE OF TESTIMONY

Filed in Open Court this 12th

day of Feb. 1937

R. L. Quinn

REGISTER

The State of Alabama
BALDWIN COUNTY
CIRCUIT COURT

Katherine Zaruba.

Complainant
vs.

Frank. Zaruba.

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:
Edith Howell.

WITNESSES:

Weeks
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN CHANCERY

KATHERINE ZARUBA,

Complainant,

vs.

FRANK ZARUBA,

Respondent.

BILL OF COMPLAINT

Filed Nov 30 1934
Frank Zaruba

LLOYD A. MAGNEY
Attorney,
Foley, Alabama.

RECORDED

6-535

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN CHANCERY

KATHERINE ZARUBA,

Complainant,

vs.

FRANK ZARUBA,

Respondent.

AFFIDAVIT

Filed Nov 30 1936
[Signature]

LLOYD A. MAGNEY
Attorney,
Foley, Alabama.

No. 279. Page 2-251

The State of Alabama
Baldwin County

In Circuit Court, In Equity

KATHERINE ZARUBA.

vs. Complainant.

FRANK ZARUBA.

Respondent.

DIVORCE DECREE

Handwritten:
K.S. 24-1-21937
Katherine Zaruba

Handwritten: Auct

No. 279.

Page 7-26

The State of Alabama,

Baldwin County.

CIRCUIT COURT, IN EQUITY.

Katherine Zaruba

vs.

Frank Zaruba,

DECREE PRO CONFESSO
OF PUBLICATION

Issued Feb 1st 1927

W. D. ...

Register.

Recorded in ... Record

Vol. ... Page

Register.

George Printing Company, Bay Minette, Ala.