

35

703 ~~SECRET~~

<p>IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN CHANCERY</p>	<p>CHARLES EDGAR TROYER, Complainant,</p>	<p>-vs-</p>	<p>MARIE J. TROYER, Respondent.</p>	<p><u>BILL OF COMPLAINT</u></p>	<p><i>Filed April 3rd 1924</i> <i>M. A. Stone</i> <i>M. A. Stone</i></p>	<p>LLOYD A. MAGNEY ATTORNEY AT LAW FOLEY, ALABAMA</p>
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Circuit Court, Baldwin County, Ala., IN EQUITY.

35.

Charles Edgar Troyer
VS.
Marie J. Troyer

PLAINTIFF

DEFENDANT

BILL OF COST

	Dollars	Cts.		\$	Cts.
Fees of Register			AMOUNT BROUGHT FORWARD		
Filing each bill and other papers 8	\$	10	For receiving, keeping and paying out or distributing money, etc. 1st \$1,000 1 per ct.; all over \$1,000 and not over \$5,000, 3-4 of 1 per ct.; all over \$5,000 and not exceeding \$10,000, 1-2 of 1 per ct.; all over \$10,000, 1-4 of 1 per ct.		
Issuing each Subpoena		50	Receiving, keeping and paying out money paid into court, etc., 1-2 of 1 per ct. of amount received.		
Issuing each copy thereof		30	Each Notice Sent by Mail to Creditors	15	
Entering each return thereof		15	Filing, Receipting for and Docketing each Claim, etc	25	
For each Order of Publication	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 hundred 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	50	
Entering each return thereof		15	Acts 1915		
Docketing each case	1	00	Total Fees of Register		9 71
Entering each Appearance		25	FEEES OF SHERIFF		
Issuing each Decree Pro Confesso on personal service	1	00	Serving and Returning Subpoena on Deft.	\$1 50	
Issuing each Decree Pro Confesso on publication	1	00	Serving and Returning Subpoena for Witness	65	
Each Order Appointing Guardian	1	00	Levyng Attachment	3 00	
Any other order by Register		50	Entering and Returning same	25	
Issuing Commission to Take Testimony		50	Entering and Returning Execution	25	
Receiving and Filing		10	Selling Property Attached	25	
Endorsing each package		10	Impanelling Jury	75	
Entering Order Submitting Cause		50	Executing Writ of Possession	2 50	
Entering any other Order of Court		25	Collecting Execution for Costs	1 50	
Noting all Testimony		50	Serving and Returning Sci. Fa., each	65	
Abstract of Cause, etc.	1	00	Serving and Returning Notice	65	
Entering each Decree		75	Serving and Returning Writ of Injunction	1 50	
For Every Hundred Words Over Five Hundred		15	Serving and Returning Writ of Exeat	1 50	
Taking Account on Reference	3	00	Taking and Approving Bonds, each	1 00	
Taking Testimony, etc.		15	Collecting Money on Execution		
Each Report, Five Hundred Words or less		2 50	Making Deed	2 50	
For every Hundred Words Over Five Hundred		15	Serving and Returning Application	1 00	
Amount Claimed, Less than Five Hundred Dollars, etc.	2	00	Serving Attachment, Contempt of Court	1 50	
Issuing each Subpoena		25	TOTAL FEES OF SHERIFF		
Witness Certificate, each		25	Recapitulation		
Issuing Execution, each		75	Register's Fees		9 70
Entering each Return		15	Sheriff's Fees		5 00
Taking and Approving Bond, each	1	00	Commissioner's Fees <i>Gilbert Portier</i>		
Making Copy of Bill, etc.		15	Solicitor's Fees		
Each notice not otherwise provided for		50	Witness Fees		
Each Certificate or Affidavit, with Seal		50	Guardian Ad Litem		
Each Certificate or Affidavit, no Seal		25	Printer's Fees <i>Jarvis Carter</i>		7 29
Hearing and passing on application for Receiver or Trustee	3	00	Trial Tax	3 00	3 00
Each Settlement with Receiver or Trustee	3	00	Recording Decree in Probate Court		
Examining each Voucher of Receiver or Trustee		10	Total <i>24 92</i>		
Examining each Answer on Exception	3	00	29 91		
Recording Resignation or Suggestion of Death of Trustee		75	29 91		
Entering each Certificate to Supreme Court		50	29 91		
Taking Questions and Answers, etc.		25	29 91		
For all other service relating to such proceedings	1	00	29 91		
For service in proceeding to relieve minors, etc. same fee as in similar cases.			29 91		
Commission on sales, etc.: 1st \$100, 2 percent; all over \$100, and not exceeding \$1000, 1 1/2 per cent; all over \$1,000 and not exceeding \$20,000, 1 per cent; all over \$20,000, 1-4 of 1 per cent.			29 91		
Sub Total Carried Forward - - -		6 25	29 91		

Received payment this _____ day of _____ 193_____

Register.

NOTE: Unless the above costs in this cause are paid within ten days of the present date, execution will be issued and placed in the hands of Sheriff for collection, creating more costs.

The State of Alabama, }
Baldwin County

CIRCUIT COURT

To Lillian Porter

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 CHARLES EDGAR TROYER and ADA DREITZLER

as witnesses in behalf of Plaintiff in a cause pending in our Circuit Court of Baldwin County, of said State, wherein

Charles Edgar Troyer Complainant
and

Marie J. Troyer Defendant,
on oath to be by you administered, upon them

to take and certify the deposition of the witnesses and return the same to our Court, with all convenient speed, under your hand.

Witness 9th day of June 1934

M. A. Stone
REGISTER

COMMISSIONER'S FEE, \$ 5⁰⁰

WITNESS' FEES, \$ none.

The State of Alabama }
Baldwin County

Circuit Court of Baldwin County, Alabama,
(In Equity)

CHARLES EDGAR TROYER COMPLAINANT

VS.

MARIE J. TROYER RESPONDENT

I, Lillian Porter

as ~~Register and~~ Commissioner

have called and caused to come before me Charles Edgar Troyer and Ada

Dreitzler

witness ~~es~~ named in the requirement for Oral Examination, on the 18 day of June

1934, at the office of Lloyd A. Magney,

in Foley, Alabama, and having first sworn said witness ~~es~~ to speak the

truth, the whole truth, and nothing but the truth, the said Edgar Troyer

doth depose and say as follows:

My name is Charles Edgar Troyer, I reside in Foley, Baldwin County, Alabama, where I have lived for more than three years next before the filing of the bill of complaint in this case.

I am the plaintiff in this case and was married to the defendant Marie J. Troyer on the 29th day of November, 1925 in Omaha, Nebraska.

After my marriage to the defendant we lived in Nebraska for about five years during which time I was in business as an undertaker and retail furniture merchant in Dorchester and Friend, Nebraska and during all this time the defendant and I lived together as husband and wife.

In 1930, having disposed of my business I was looking for another location and my wife and I went first to St. Louis, Missouri where we stayed for several months and then went to California where she had relatives living.

After having been in California for some months I was unable to find any location there or to get into any business there and desired to leave. In the meantime my daughter and son-in-law had come to Foley, Alabama and wrote me that there was an opportunity for me to engage in business there and I was anxious to leave California for the reason that I could not find anything to do. My wife, however, did not

CHARLES EDGAR TROYER,
Complainant,

-vs-

MARIE J. TROYER,
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, BALDWIN
COUNTY, ALABAMA, IN CHANCERY SITTING:

PART ONE

Your complainant Charles Edgar Troyer respectfully shows to the Court that he is over the age of twenty-one years and a bona fide resident of Baldwin County, Alabama, residing at Foley therein, and that he has been such bona fide resident of Baldwin County, Alabama, for more than three years next preceding the filing of this bill of complaint; that the respondent Marie J. Troyer is also over the age of twenty-one years and is a non-resident of the State of Alabama, and her present whereabouts and place of residence are wholly unknown to your complainant.

PART TWO

Your complainant alleges that he was lawfully married to the respondent Marie J. Troyer on the 4th day of November, 1926 at Omaha, Nebraska and has always conducted himself towards the respondent as a faithful and provident husband but that notwithstanding her marital duties the respondent, did, without cause, and on or about the 1st day of February, 1931, willfully and voluntarily abandon the bed and board of your complainant and has refused ever since to live with your complainant as his wife and such voluntary abandonment from bed and board on the part of the respondent has been continued for more than two years next preceding the filing of this bill.

PRAYER FOR RELIEF

Wherefore, your complainant prays that he may be granted an absolute divorce from the respondent and that he may have such other and further relief in the premises as may be just and equitable.

PRAYER FOR PROCESS

Your complainant further prays that Your Honor direct that

the Register of this court make out and superintend the appropriate order of publication to the non-resident respondent Marie J. Troyer, commanding her within thirty days after the period specified in the order of publication to appear before Your Honor in this Honorable Court and then and there to answer this bill of complaint and to abide by such order and decree therein as to this Honorable Court shall seem meet; and your complainant shall ever pray, &c.

Solicitor for Complainant.

FOOT NOTE

The respondent Marie J. Troyer is hereby required to answer the allegations of part two of the above bill of complaint but not under oath, oath to answer being hereby expressly waived.

Solicitor for Complainant.

STATE OF ALABAMA)
BALDWIN COUNTY)

Before me, Lloyd A. Magney, a notary public in and for said county and state, on the 30th day of March, 1934, personally appeared Charles Edgar Troyer who is known to me and whose name is signed to the foregoing bill of complaint and, being first duly sworn by me he stated that he has read the above bill of complaint and knows the contents thereof and that the facts therein set forth are true.

TO THE CLERK OF THE DISTRICT COURT OF BALDWIN COUNTY, ALABAMA

Subscribed in my presence and sworn to before me this 30th day of March, 1934.

Notary Public.

8550 REQUEST FOR DECREE IN VACATION.

MOORE PTG CO.

STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

No. 35 June Term, 1934

Charles Edgar Troyer, Complainant.

vs.

Marie J. Troyer, Defendant.

To M. A. Stone, Register:

In the above stated cause a Decree Pro Confesso having been taken against the Defendant, and evidence having been taken, and the cause being ready for submission for final decree, and no defense having been interposed, the Complainant, by Lloyd A. Magney

Solicitors of record, now files with the Register of this Court this written request to deliver the papers in this cause to the Judge for final decree in vacation.

LLOYD A. MAGNEY

Solicitor for Complainant.

The State of Alabama, { No. 35 } CIRCUIT COURT IN EQUITY
Baldwin County

Charles Edgar Troyer Complainant

vs.

Marie J. Troyer Defendant

This cause, coming on to be heard at this Term, was submitted upon the Bill of Complaint, decree pro confesso and the testimony as noted by the Register; and upon consideration thereof, the Court is of 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 the complainant is forever divorced from the Defendant, on account of

Abandonment

It is further ordered, that the said Charles Edgar Troyer be, and he is hereby permitted to again contract marriage, upon the payment of the costs of Court in this cause.

It is further ordered, that the said Charles Edgar Troyer pay the costs herein taxed, for which execution may issue, and if such execution is returned "no property found," then execution for such costs may issue against the said

Marie J. Troyer

It is further ordered, adjudged and decreed that the said Charles Edgar Troyer shall not again marry except to said Marie J. Troyer until sixty days after this date, and that if an appeal is taken within sixty days he shall not marry again except to said Marie J. Troyer

during the said pendency of appeal

This 21st day of June 1934
J. W. Hare
JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY

STATE OF ALABAMA { }
BALDWIN COUNTY { } CIRCUIT COURT, IN EQUITY

I, M. A. Stone, Register of said Circuit Court of said County, Alabama, do hereby certify that the above is a full, true and correct copy of the decree rendered by said Court on the 21 day of June 1934,

in the cause of Charles Edgar Troyer

Complainant

vs.

Marie J. Troyer Defendant

as appears of record in said Court.

Witness my hand and the seal of said Court, this the June 22, 1934

M. A. Stone Register

the Register of this court make out and superintend the appropriate order of publication to the non-resident respondent Marie J. Troyer, commanding her within thirty days after the period specified in the order of publication to appear before Your Honor in this Honorable Court and then and there to answer this bill of complaint and to abide by such order and decree therein as to this Honorable Court shall seem meet; and your complainant shall ever pray, &c.

Lloyd A. Magney
Solicitor for Complainant.

FOOT NOTE

The respondent Marie J. Troyer is hereby required to answer the allegations of part two of the above bill of complaint but not under oath, oath to answer being hereby expressly waived.

Lloyd A. Magney
Solicitor for Complainant.

STATE OF ALABAMA)
BALDWIN COUNTY)

Before me, Lloyd A. Magney, a notary public in and for said county and state, on the 30th day of March, 1934, personally appeared Charles Edgar Troyer who is known to me and whose name is signed to the foregoing bill of complaint and, being first duly sworn by me he stated that he has read the above bill of complaint and knows the contents thereof and that the facts therein set forth are true.

Charles Edgar Troyer

Subscribed in my presence and sworn to before me this 30th day of March, 1934.

Lloyd A. Magney
Notary Public.

ORAL EXAMINATION

I, Lillian Porter ~~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 witnesses and read over to them and they signed the same in the presence of myself and Lloyd A. Magney at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness as had proof made before me of the identity of said witnesses; 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 18th day of June 19 34

Lillian Porter (L. S.)

35

No. 35 Page _____

THE STATE OF ALABAMA,
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

Charles Edgar Strayer

COMPLAINANT

Marie J. Strayer

RESPONDENT

ORAL DEPOSITION

Filed _____, 1934

RECORDED IN _____, Register.

Record _____

Vol. _____ Page _____

_____, Register.

OK

The State of Alabama }
Baldwin County

Circuit Court of Baldwin County, Alabama,
(In Equity)

CHARLES EDGAR TROYER COMPLAINANT

VS.

MARIE J. TROYER RESPONDENT

I, Lillian Porter

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Dreitzler

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doth depose and say as follows:

My name is Charles Edgar Troyer, I reside in Foley, Baldwin County, Alabama, where I have lived for more than three years next before the filing of the bill of complaint in this case.

I am the plaintiff in this case and was married to the defendant Marie J. Troyer on the 29th day of November, 1925 in Omaha, Nebraska.

After my marriage to the defendant we lived in Nebraska for about five years during which time I was in business as an undertaker and retail furniture merchant in Dorchester and Friend, Nebraska and during all this time the defendant and I lived together as husband and wife.

In 1930, having disposed of my business I was looking for another location and my wife and I went first to St. Louis, Missouri where we stayed for several months and then went to California where she had relatives living.

After having been in California for some months I was unable to find any location there or to get into any business there and desired to leave. In the meantime my daughter and son-in-law had come to Foley, Alabama and wrote me that there was an opportunity for me to engage in business there and I was anxious to leave California for the reason that I could not find anything to do. My wife, however, did not

wish to leave her relatives in California and since I had no way of making a living there and could not stay there and wanted her to go to Alabama with me, this caused trouble and dissension.

I was perfectly willing to provide a home for my wife provided she would live with me and treat me as a wife should but it was impossible for me to stay in California as I did not have sufficient means to live without working and I could not find anything to do there.

Notwithstanding this my wife positively refused to leave California with me and not only that but because I insisted that I would have to leave she refused to live with me even before I left California and abandoned me and has refused to live with me since about the first of the year 1931.

I have lived in Foley since March 29th, 1931 and have not seen or heard from my wife since that time. I do not even know where she now is as she is no longer in California where I left her and I have not seen or heard from her for more than three years.

For the reason that she did abandon my bed and board voluntarily and more than two years ago and because there is no prospect of our ever being reconciled I desire a decree of divorce.

Charles Edgar Troyer

DEPOSITION OF ADA DREITZLER

My name is Ada Dreitzler, I am the wife of M. S. Dreitzler and I reside in Foley, Alabama. I am also the daughter of the complainant in this case, Charles Edgar Troyer, and am familiar with his married life with the defendant Marie J. Troyer.

She was my father's second wife and they were married on November 29th, 1925 in Omaha, Nebraska and after their marriage they resided for a number of years in Dorchester and Friend, Nebraska, where I also lived at the time.

...treated the defendant

My name is Ada Dreitzler, I am the wife of M. S. Dreitzler and I reside in Foley, Alabama. I am also the daughter of the complainant in this case, Charles Edgar Troyer, and am familiar with his married life with the defendant Marie J. Troyer.

She was my father's second wife and they were married on November 29th, 1925 in Omaha, Nebraska and after their marriage they resided for a number of years in Dorchester and Friend, Nebraska, where I also lived at the time.

During all of these years my father always treated the defendant with the greatest consideration and provided for her to the extent of his ability and they apparently got along together well.

Sometime in 1929 my father who had been in business as an undertaker and furniture dealer in Dorchester and Friend, Nebraska, disposed of his business there and he and the defendant left to look up another location and shortly after that I came to Foley, Alabama where I have lived since.

Of course I do not know just what happened between my father and his wife after they left Nebraska but I do know that they traveled around looking for an opportunity for him to go into business and finally went to California and in the correspondence between us, knowing that my father had been unable to find any location, I wrote him that I thought there was an excellent opportunity in Foley and finally he came to Foley and arrived there in March, 1931 and has lived and been in business there ever since.

His wife, the defendant, did not come with him and he has told me that she refused to leave her relatives in California and come to Alabama with him.

I know that he has attempted to become reconciled with her but that she has refused to live with him and he has lived alone for more than three years last past and furthermore that she has not written to him and he has finally lost complete track of her and does not now know even where she is.

From the way he way he always treated her while they lived near me and from his disposition towards her I am very sure that the separation between them is wilful on her part and that he has never given her any cause to refuse to live with him except his desire to leave California and to locate in business away from there and I am sure that there is no possibility of their ever becoming reconciled and living together again, particularly since he has not even known where she was for more than two years.

Ada Dreitzler

Notice to Non-Resident

CHARLES EDGAR TROYER

vs

MARIE J. TROYER

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

This the 3rd day of April, 1934,
in this cause it being made to appear to the Clerk of this Court by the affidavit of Charles Edgar Troyer, that the Defendant Marie J. Troyer, is a non-resident of the State of Alabama, her address and whereabouts being totally unknown and further, that, in the belief of said Affiant the Defendant is over the age of 21 years; it is, therefore, ordered that publication be made in the Fairhope Courier, a newspaper published in Fairhope, Baldwin County, Alabama, once a week for four consecutive weeks, requiring Marie J. Troyer, the said Defendant to answer or demur to the Bill of Complaint in this cause by the 11th day of May, 1934, or after thirty days therefrom a decree Pro Confesso may be taken against Marie J. Troyer, Defendant.
36-4t M. A. Stone, Register.

STATE OF ALABAMA
COUNTY OF BALDWIN

E. B. Gaston, being by me first duly sworn on oath says: that he is the publisher of the Fairhope Courier, a newspaper of general circulation, published weekly in the Town of Fair-

hope, in said county and State; that the attached Legal
notice in case of Chas. Edgar
Troyer vs Marie J. Troyer in
Circuit Court

was published for 4 consecutive weeks, in each of the regular issues of said newspaper to-wit in the issues of

Apr. 5-12-19 & 26, 1934

E. B. Gaston

Subscribed and sworn to before me this 30th

day of April

1934

J. E. Perkins

Notary Public

.....
Charles Edgar Troyer
.....

vs.
.....

Marie J. Troyer
.....

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,.....
Order of Publication, Proof of Publication, Decree Pro Confesso..
on Publication, Depositions of Charles Edgar Troyer and Ada D..
Dreitzler.....
.....
.....

and in behalf of Defendant upon.....
.....
.....

.....
M. A. Stone
.....

Register.

35

RECORDED
234

No. 35

THE STATE OF ALABAMA
BALDWIN COUNTY

IN EQUITY,
CIRCUIT COURT OF BALDWIN COUNTY.

Charles Edgar Troyer

VS

Marie J. Troyer,

NOTE OF TESTIMONY

Filed in Open Court this 20th

day of June 1934

M. A. Stone
Register

35

FAIRHOPE, ALABAMA

April 30th

1934

M. Mrs. Mary Alice Stone.

Bay Minette, Ala.

IN ACCOUNT WITH

THE FAIRHOPE COURIER

E. B. GASTON, Editor and Publisher

Advertising

-

Commercial Printing

RATES ON APPLICATION

<p>Legal notice of 162 words Re. Chas Edgar Troyer vs Marie J. Troyer in issues of April 5-12-19 and 26 at 4½ cts.</p>	<p>\$7.29</p>
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NOTICE TO NON-RESIDENT.

Moore Ptg. Co—Bay Minette.

CHARLES EDGAR TROYER
 No. 35
 vs.
 MARIE J. TROYER

The State of Alabama,
 BALDWIN County.
 Circuit Court, in Equity.
 This the 3rd day of
 April, 1934

In this cause it being made to appear to the Clerk of this Court by the affidavit of
 Charles Edgar Troyer,

that the Defendant Marie J. Troyer

is a non-resident of the State of Alabama ^{her} the address and whereabouts being
 totally unknown

and further, that, in the belief of said Affiant the Defendant ^{is} ~~Fairhope Courier~~ over the age of 21
 years; ~~It is therefore~~ ordered that publication be made in the Baldwin Times, a newspaper publish-
 ed in Bay Minette, Baldwin County, Alabama, once a week for four consecutive weeks, requiring
 Marie J. Troyer, Defendant
 the said

to answer or demur to the Bill of Complaint in this cause by the 11th day of
 May, 1934, or after thirty days therefrom a decree Pro Confesso may be
 taken against Marie J. Troyer, Defendant.

Register.

The State of Alabama,
Baldwin County.

CIRCUIT COURT, IN EQUITY.
No. 35 June Term, 19234

Charles Edgar Troyer, Complainant

vs. Marie J. Troyer, Defendant

In this cause it appears to the Register, M. A. Stone, that the order of publication heretofore made in this cause, was published for four consecutive weeks, commencing on the 5th day of April, 1934, in the Baldwin Fairhope Courier a newspaper published in Fairhope, Alabama, that a copy of said order was posted at the Court House door in Baldwin County, on the 5th day of April 1934, and

And it now further appearing to the Register M. A. Stone, that the said Marie J. Troyer

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 M. A. Stone, that the Bill of Complaint in this cause be, and it hereby is in all things taken as confessed against the said Marie J. Troyer, Defendant

This 9th day of June 1934

M. A. Stone

Register

The State of Alabama,

Baldwin County,

CIRCUIT COURT, IN EQUITY.

Charles F. Proyer

vs.

Marie J. Proyer

DECREE PRO CONFESSO
ON PUBLICATION

Issued *June 9th* 1984

W. J. Proyer
Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

Moore Printing Company, Bay Minette, Ala.