

1442

MARY LOUISE HERRIN WALTERS,
Plaintiff,
VS.
HOWARD V. WALTERS,
Defendant.

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

DEMURRERS.

Now comes the Defendant in the above styled cause and demurs to the complaint and assigns the following demurrers each separately and severally:

1. It does not state the cause of action.
2. There is shown no ground whereby the Plaintiff is entitled to recover from the Defendant.
3. It is not shown that the judgment which is the subject of the suit is now owned by the Plaintiff.
4. It is not shown that the Plaintiff has any property, rights, in the judgment, which is the subject of the suit.

J B Blackburn
by James P. McMurphy
Attorney for Defendant.

Defendant demands a trial by jury.

J B Blackburn
by James P. McMurphy
Attorney for Defendant.

STANDARD TELETYPE UNIT #1

STANDARD TELETYPE UNIT #2

STANDARD TELETYPE UNIT #3

STANDARD TELETYPE UNIT #4

STANDARD TELETYPE UNIT #5

STANDARD TELETYPE UNIT #6

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STANDARD TELETYPE UNIT #15

STANDARD TELETYPE UNIT #16

STANDARD TELETYPE UNIT #17

STANDARD TELETYPE UNIT #18

STANDARD TELETYPE UNIT #19

STANDARD TELETYPE UNIT #20

RECORDED

Filed 1-11-50
A. J. W. C. C. C.
Clark

Filed Mar 30. 1949
Jes W Causey Chancery Clerk
By Mary Ann Starkey D.C.

IN THE CHANCERY COURT OF FORREST COUNTY, MISSISSIPPI

MARCH 1949 TERM THEREOF

MARY LOUISE HERRIN WALTERS, COMPLAINANT

NO. 13 683

VS.

HOWARD V. WALTERS, DEFENDANT

FINAL DECREE

This day this cause came on for hearing on the sworn bill of complaint of the complainant, personal service of process on the defendant in the time, form and manner provided by law, and on oral and documentary evidence received in open court.

After having received and considered all of the evidence, the court finds that the parties hereto are actual bona fide resident citizens of Forrest County, Mississippi, and that they have been actual bona fide resident citizens for more than one year next preceding the filing of the bill of complaint in this cause.

The court finds that the parties hereto are members of the white race, and that they were lawfully and legally married to each other in Forrest County, Mississippi on July 12, 1946, and that they have resided in Forrest County, Mississippi at all times thereafter.

The court finds that there was born to the marriage of the parties hereto one child, the same being a daughter named Linda Dianne Walters, who was born on

November 23, 1948, and that said child is now in the custody of the complainant herein.

The court further finds from the evidence that the defendant has engaged in the frequent and habitual use of intoxicating liquors over a period of many months, and that he has become and is a habitual drunkard. The court further finds that the defendant has openly and notoriously advised the complainant herein that he was carrying on affairs with other women, this behaviour having been characterized by the defendant during the time immediately preceding the birth of the child of the parties hereto, that the defendant has failed, neglected, and refused to provide the parties with the sustenance of life, and that it was necessary for the complainant to return to her parents on or about April 15, 1948 in order to be provided with the necessities of life. The court further finds that the defendant has refused to live with the complainant thereafter, and that he has refused to provide her with a home, and that said parties were finally separated on or about April 15, 1948, and that they have not lived together as husband and wife since said date. The court finds that the defendant is guilty of habitual cruel and inhuman treatment of the complainant and of habitual drunkenness and that the complainant is entitled to a decree of this court forever severing the bonds of matrimony now existing between said parties on said grounds.

The court further finds that the complainant is a fit, suitable and proper person to have custody of the minor child of the parties hereto, and that she should be granted permanent custody of said child, with the defendant having the right to visit said child at reasonable times and under reasonable circumstances.

The court further finds that the complainant is in need of funds with which to provide for said child, and with which to pay a solicitor, and that the defendant should pay to the complainant the sum of \$75.00 per month, the said sum to be paid on or before the tenth day of each succeeding month hereafter beginning April 10, 1949 and continuing until further order of this court. The court finds that the sum of \$100.00 is a reasonable solicitors fee, and that the defendant should pay said sum to the complainant on or before thirty days following the date of this decree.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED by the court that the bonds of matrimony heretofore existing between the parties hereto be, and the same are hereby dissolved, set aside and for naught held, and said parties are hereby divorced. IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that permanent custody of the minor child of the parties hereto be, and the same is hereby awarded to the complainant herein with the defendant having the right to visit said child at reasonable times and under reasonable circumstances. IT IS FURTHER ORDERED, ADJUDGED and DECREED that the defendant pay to the complainant the sum of \$75.00 per month, said sum to be paid on or before the 10th day of each succeeding month hereafter until the further order of this court, and that the defendant pay to the complainant the sum of \$100.00 as a solicitor's fee, said sum to be paid within thirty days from the date of this decree. IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that all costs of court having accrued herein be and the same are hereby taxed against the defendant for which let execution and other proper process issue.

SO ORDERED, ADJUDGED, AND DECREED by the court
on this the 30th day of March, 1949.

LESTER CLARK

C H A N C E L L O R.

STATE OF MISSISSIPPI
COUNTY OF FORREST

L. G. W. Causey, Chancery Clerk of Forrest County, do hereby
certify that the foregoing is a true and correct copy of a

Final Decree

as the same app. is of record in my office in Book 30

Pages 430-431

Given under my hand and official seal on this the 17th

day of August, 1949

G. W. CAUSEY, Chancery Clerk

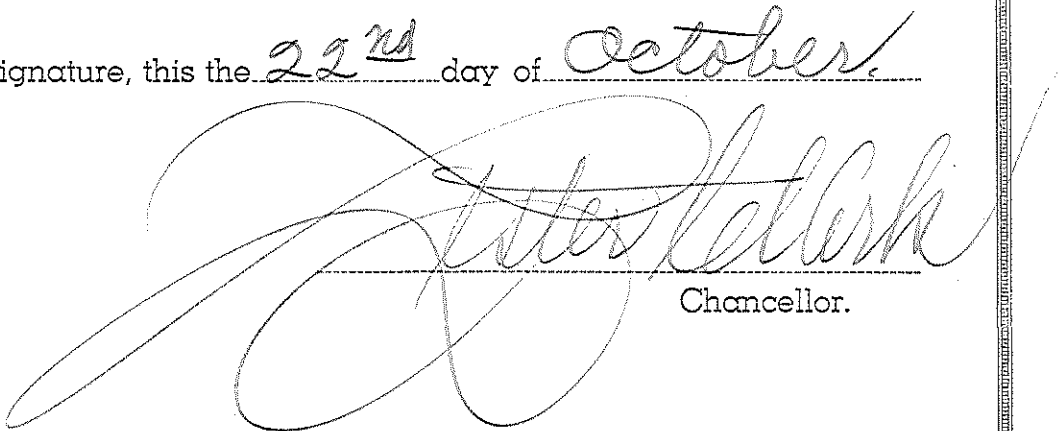
By Mary Ann Storker
D.C.

THE STATE OF MISSISSIPPI
FORREST COUNTY

I, LESTER CLARK, sole presiding Chancellor of the Tenth Chancery District of the State of Mississippi, (said District including the County of Forrest), do hereby certify that GEO. W. CAUSEY, whose genuine signature appears to the annexed and foregoing attestation, is now, and was at the date thereof, the Clerk of the Chancery Court of Forrest County, in said State, duly elected and qualified, and that his said attestation is in due form.

Witness my signature, this the 22nd day of October

A. D., 1949.

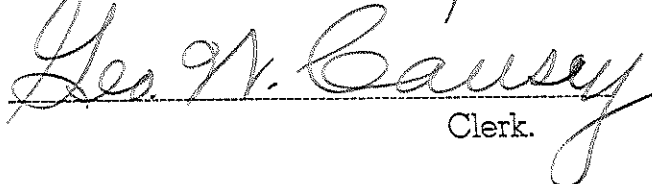

Chancellor.

THE STATE OF MISSISSIPPI
FORREST COUNTY

I, the undersigned Clerk of the Chancery Court of Forrest County, Mississippi, (said court being a court of Record, and having an official seal), do hereby certify that LESTER CLARK, whose genuine signature appears to the annexed and foregoing attestation, is now, and was at the date thereof, the sole presiding Chancellor of the Tenth Chancery Court District of said State, which said District includes the said County of Forrest, and that LESTER CLARK, as aforesaid now, and was at the date of said attestation, duly commissioned and qualified.



Given under my hand and seal of office, at
Hattiesburg, Mississippi, this the 22nd day of
October A. D., 1949


Clerk.

COMPLAINT

MARY LOUISE HERRIN WALTERS, VERSUS
Complainant

HOWARD V. WALTERS,
Defendant

COUNT ONE: The Plaintiff claims of the Defendant the sum of SIX HUNDRED TWENTY FIVE AND 00/100 DOLLARS (\$625.00), with interest thereon at the rate of six percent per annum due on and by a decree rendered in favor of the Plaintiff against said Defendant wherein the Court order "that the Defendant pay to the Complainant the sum of \$75.00; said sum to be paid on or before the 10th day of each succeeding month hereafter, until the further order of this Court, and the Defendant pay to the Complainant the sum of \$100.00 as solicitor's fee, said sum to be paid within thirty days from the date of this decree".

Said decree was rendered on the 30th day of March, 1949, in the Chancery Court of Forrest County, Mississippi, which said decree, with interest at the rate of six percent per annum, is still unsatisfied, unmodified, due and unpaid. That said Court had jurisdiction of the person of the Defendant.

RICKARBY & RICKARBY

By: 

Attorneys for Plaintiff

SUMMONS AND COMPLAINT

THE STATE OF ALABAMA }
Baldwin County

CIRCUIT COURT, BALDWIN COUNTY

No.-----

-----TERM, 194_9_

TO ANY SHERIFF OF THE STATE OF ALABAMA :

You are hereby commanded to summon HOWARD V. WALTERS

to appear and plead, answer or demur, within thirty days from the service hereof, to the Complaint filed in
the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against-----

HOWARD V. WALTERS

_____, Defendant....

by MARY LOUISE HERRIN WALTERS

_____, Plaintiff....

Witness my hand this

24th

day of

Nov

194_9_

Deif. smoke, Clerk

RECORD

No. 144-2

Page

THE STATE of ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT

MARY LOUISE DEBRY WALTERS

Plaintiffs

vs.

HOWARD V. WALTERS

Defendants

SUMMONS and COMPLAINT

Filed 11-26, 1949

Deice French

RECORDED

clerk

on duty at 6 PM
at Fulton

RICKARDY & RICKARDY

Plaintiff's Attorney

Defendant's Attorney

Moore Printing Co., Bay Minette, Ala.

Walter H. Spence
lives in Fairhope

Defendant lives at
Fairhope, Ala. and works at
Spanish Fort.

RECEIVED IN OFFICE

November 28, 1949

Layton Wilkins Sheriff

I have executed this summons

this Dec. 12, 1949
by leaving a copy with

Howard V. Walters

Layton Wilkins Sheriff

Deputy Sheriff

LAW OFFICES

ELLIOTT G. RICKARBY

RICKARBY & RICKARBY
FAIRHOPE, ALABAMA

E. G. RICKARBY, JR.

November 25, 1949.

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

RE: WALTERS VS WALTERS

Dear Mrs. Duck:

With this we are handing you summons
and complaint and deposit for costs in the
sum of \$25.00 in the above mentioned case.
Please issue process.

You will notice that defendant works
at Spanish Fort at the Bridgehead and lives
in Fairhope.

Yours very truly,

RICKARBY & RICKARBY

By: 

EGRjr:hb
Enc - 2
680

1442

Mary Louise Herrin Walter

vs.

Howard V. Walters

Money due by decree of Court
Filed 11-28-49

Richard Byrnes

MARY LOUISE HERRIN WALTERS,
Plaintiff,
VS.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

HOWARD V. WALTERS,
Defendant.

AT LAW.

PLEAS.

Now comes the Defendant in the above styled cause and for answer to the complaint assigns the following pleas, each separately and severally:

1. Defendant denies each and every allegation in the complaint, and demands strict proof thereof.

2. Defendant denies that the Chancery Court of Forrest County, Mississippi, had jurisdiction to render the alleged decree, which is the subject of this suit.

J.B. Blackburn
by *James H. McMurphy*
Attorney for Defendant.

RECORDED

FILED

JAN 18 1950

ALICE I. DUCK, Clerk

MARY LOUISE HERRIN WALTERS,

Plaintiff,

-VS-

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

HOWARD V. WALTERS,

Defendant.

Comes now the Defendant, HOWARD V. WALTERS, in the abovestyled cause, and waives his demand for trial by jury and agrees that the case be set for trial on Plaintiff's demand.

Howard V. Walters
Defendant.

STATE OF ALABAMA

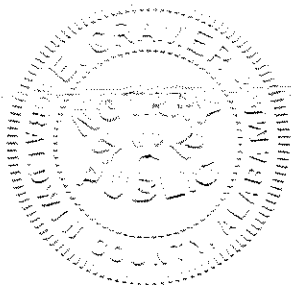
COUNTY OF BALDWIN

(for said County and State),

I, **E. Cramer**, a Notary Public in and, hereby certify that HOWARD V. WALTERS, whose name is signed to the foregoing waiver, and who is known to me, acknowledged before me on this day, that, being informed of the contents of this waiver, he executed the same voluntarily, on the day the same bears date.

Given under my hand and official seal this the 11th day of July, 1950.

E. Cramer
Notary Public, Baldwin County, Alabama



744 **RECORDED**

MARY LOUISE HERRIN WALTERS,

Plaintiff,

-VS-

HOWARD V. WALTERS,

Defendant.

WAIVER FOR TRIAL BY JURY

FILED

JUL 13 1950

ALICE J. DUCK, Register

