

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

MARCELLA HAYES GRASS

, Complainant

vs.

ANDREW GRASS

, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Pro Confesso~~ on Answer and Waiver and Agreement of parties 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 MARCELLA HAYES GRASS is forever divorced from the said ANDREW GRASS for and on account of Abandonment

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that in lieu of any provision for alimony, the signed agreement between the parties to this cause is attached to and made a part of this decree.

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 the Complainant and Respondent be, and they are hereby permitted to again contract marriage upon the payment of the cost of this suit.

It is further ordered that ANDREW GRASS

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

This 16th day of December, 1949

J. J. Madison
Judge Circuit Court, In Equity

I, _____ Register of the Circuit

Court of 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.

M

No. _____ Page _____

The State of Alabama
BALDWIN COUNTY

In Circuit Court, In Equity

MARCELLA HAYES GRASS

Complainant

vs.

ANDREW GRASS

Respondent

DIVORCE DECREE

Filed 12-16-49
Luci French
Registrar

MARCELLA HAYES GRASS,
Complainant

-vs-

ANDREW H. GRASS,
Respondent

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
EQUITY NO. 2404

ORDER AMENDING DECREE MADE ON 2nd OCTOBER, 1951

This cause coming on to be heard on the Petition of the Respondent, that the decree of divorce rendered on the 16th day of December, 1949, and amended on the 2nd day of October, 1951, be further amended for the sole custody of FLORA ERDINE GRASS, daughter of MARCELLA HAYES GRASS and ANDREW H. GRASS, notice of said petition being served on the Complainant on the 31st day of December, 1952, the petition being heard and considered on the testimony of Andrew H. Grass and Flora Erdine Grass, the Court is of the opinion that the Respondent, Andrew H. Grass, is the proper party to have the sole care and custody of Flora Erdine Grass, a minor four-teen years of age.

It is therefore ORDERED, ADJUDGED and DECREED that the decree of this Court rendered on the 2nd day of October, 1951, insofar as the same refers to the custody and maintainance of the said Flora Erdine Grass be amended so that Paragraph Two of that decree reads as follows:

That the Respondent be given the custody of Flora Erdine Grass, the unmarried daughter of the marriage subject to the right of said daughter to visit her mother at such reasonable time as she may desire and also to spend six week-ends throughout the year with the Complainant at dates to be arrived at by agreement between the Complainant and her daughter, Flora Erdine Grass.

IT IS FURTHER ORDERED that each party encourage the children of the marriage to freely visit the home of the other party and to abstain from all efforts to alienate the affections of said children from the other parent.

IT IS FURTHER ORDERED that until otherwise instructed by

this Court, the Respondent is relieved of paying any money to the Complainant to be used for support and maintainance of said daughter unless the said Flora Erdine Grass stays with her mother, the Complainant, for a period of over seven consecutive days.

IT IS FURTHER ORDERED that the Complainant shall not seek to incur any indebtedness of the Respondent in behalf of the children of the marriage without the express consent of the Respondent previously obtained.

Good faith between the parties being essential to the best interest of the children, the Court reserves control of this cause for such further order as to the care and custody of said children as may from time to time seem proper.

Done in Bay Minette, Alabama, in chambers this the 12th day of January, Nineteen Hundred Fifty-three.

Julius A. Marshall
Circuit Judge

M
MARCELLA HAYES GRASS
Complainant

-vs-

ANDREW H. GRASS
Respondent

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

EQUITY NO. 2404

ORDER AMENDING DECREE MADE
ON 2nd OCTOBER, 1951

FILED

JAN 19, 1952

ALICE J. DUCK, Register

MARCELLA HAYES GRASS,
Complainant,
VS.
ANDREW GRASS,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 2404.

DECREE

This matter now coming on to be heard is submitted for the decision of the Court upon the verified petition of Marcella Hayes Grass, praying that the said Andrew Grass be adjudged guilty of contempt, upon Rule to Show Cause, and upon the testimony of the parties heard ore tenus by the Court, and the same being considered and understood by the Court, the Court is of the opinion as follows:

1. That the Respondent, Andrew Grass, is behind in his payments to the Complainant, Marcella Hayes Grass, as ordered by the Divorce Decree of 16 December, 1949, in the amount of One Hundred Fifty Dollars (\$150.00).

2. That the Respondent, Andrew Grass, did not wilfully and contemptuously disobey said decree of the Court but that his failure to comply with the terms of said decree was caused by his misunderstanding of the terms of said decree.

3. That the Rule to Show Cause should be dissolved upon the payment of the One Hundred Fifty Dollars (\$150.00) by the Respondent as aforesaid.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the Respondent, Andrew Grass, pay to the Complainant, Marcella Hayes Grass, One Hundred Fifty Dollars (\$150.00) in full settlement of all claims by her for back alimony.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon the payment of the said One Hundred Fifty Dollars (\$150.00) by Andrew Grass, the Rule to Show Cause be, and the same is, hereby dissolved.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Respondent, Andrew Grass, pay the cost of this action, for which let execution issue.

Done this 13th day of September, 1951.

William J. Madbury, Jr.
Judge

524

To write minutes

M

B. 2 - p. 428

FILED
SEP 14 1951
ALICE J. DUCK, Register

MARCELLA HAYES GRASS,
Complainant

EQUITY NO. 2404

-VS-

ANDREW H. GRASS,
Respondent

CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

This cause coming on to be heard on the petition of Respondent that the decree of divorce rendered December 16, 1949 be amended and for the sole custody of Andrew James Grass, only son of the parties/being heard and considered, the Court is of the opinion that Respondent, Andrew H. Grass, is the proper party to have the sole care and custody of Andrew James Grass, a minor thirteen years of age. It is therefore:

ORDERED, ADJUDGED and DECREED that the decree of divorce rendered December 16, 1949, insofar as same refers to the custody and maintainance of the children of the parties, be amended to read as follows:

1. The sole custody of Andrew James Grass, son of the parties, is vested in Respondent with the provision that said Andrew James Grass may visit his mother, Marcella Hayes Grass, at any time that he so desires and said visits are convenient to her, and that she have the custody of Andrew James Grass for a two weeks period during the months of summer school vacation and on eight additional weekends during said vacation on dates to be agreed upon by mother and son.

2. That Complainant retain the custody of Marcella Marie and Flora Erdine Grass, the two daughters of the marriage, subject to the right of said daughters to visit their father at such reasonable times as they so desire and that they also spend *six (6)* weekends throughout each year with Respondent on dates to be arrived at by agreement between Respondent and his two daughters.

IT IS FURTHER ORDERED that each party encourage the children of the marriage to freely visit the home of the other party and to abstain from all efforts to alienate the affections of said children from the other parent.

IT IS FURTHER ORDERED that until otherwise instructed by this Court, Respondent shall pay Complainant the sum of Twenty Dollars

per week to be used by Complainant solely for the maintainance and support of said daughters. For such periods as one or both of said daughters shall reside with Respondent for one week or more the weekly amount to be paid by Respondent shall be reduced in the sum of Five Dollars per week during the period of each child's absence from the mother's custody.

~~IT IS FURTHER ORDERED that Complainant shall not seek to~~
incur any indebtedness of Respondent in behalf of the children of the marriage without the express consent of Respondent previously obtained.

Good faith between the parties being essential to the best interests of the children, the Court reserves control of this cause for such further orders as to the care and custody of said children as may from time to time seem proper.

Done at Bay Minette, Alabama, this the 2nd day of October, 1951.

Jeffair J. Marblebury Jr.
Judge.

17
EQUITY No. 2404

MARCELLA HAYES GRASS,
Complainant

-VS-

ANDREW H. GRASS,
Respondent

AMENDED DECREE AS TO CARE AND
CUSTODY OF CHILDREN

RECORDED

10-20-51
H. J. [illegible]

MARCELLA HAYES GRASS,
Complainant

EQUITY No. 2404

vs

CIRCUIT COURT OF

ANDREW H. GRASS,
Respondent

BALDWIN COUNTY, ALABAMA

To

HONORABLE TELFAIR J. MASHBURN, JR., JUDGE OF THE CIRCUIT
COURT OF BALDWIN COUNTY, ALABAMA: IN EQUITY

Comes ANDREW H. GRASS, Respondent in the above styled cause and prays that that part of the decree of divorce in this cause rendered December 16, 1949 relating to the custody of the three children of the marriage be amended as hereinafter set out and in support of said prayer shows:

FIRST: That while the provision in the decree as to the custody of said children was based on an agreement voluntarily made by the parties and by dividing the custody of the children between the two parties, sought to continue the pleasant relations existing between parent and child, the good faith essential to its success has not been manifested by Complainant so that the best interests of the children are not protected; Wherefore Petitioner prays for a modification of said decree as follows:

One: That the custody of Andrew James Grass, the son of the parties be vested solely in Petitioner subject to the rights of Complainant to have said son visit her at reasonable hours.

Two: That Marcella Marie and Flora Erdine Grass continue to live with Complainant during the public school term and with Petitioner when school is not in session. While with either parent said children are to visit the other parent not less than one hour per week.

Three: That this Court fix the amount that the Petitioner is to pay for the support of said daughters while in the custody of the mother.

Four: That neither party shall make any effort to prevent any child from visiting the other parent, but shall encourage this at all reasonable times.

Five: That each parent abstain from any action or speech that shall tend to lessen the filial affection of any child for the other parent.

Six: That this Court make such further orders as are to the best interest of any child.

Seven: That Petitioner is a steady, hard-working man, a skilled mechanic long employed by one of the leading automobile dealers in Fairhope and is a man of sober habits well regarded in the community and in all respects a desirable parent for a growing boy; that it will be to the said son's best interests that he continue with and be brought up under such paternal guardianship.

THE PREMISES CONSIDERED, The Defendant prays that a day be set for hearing this petition of which notice be given Marcella Hayes Grass together with a copy of this petition and at which time this said petition may be heard and considered and upon such hearing an order be made amending the original decree aforesaid as shall be to the best interests of all three children.

Andrew H. Grass

Petitioner.

Subscribed and sworn to before me this the 17th day of September, 1951.

Elliot S. Riney
Notary Public, State of Alabama at Large.

MARCELLA HAYES GRASS,
Complainant
vs
ANDREW H. GRASS,
Respondent

EQUITY NO. 2404
CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

This day came ANDREW H. GRASS, and filed herewith his verified petition praying that Marcella Hayes Grass be required to appear and show cause, if any she have, why the prayer of the foregoing petition be not granted; and upon consideration of said petition it is ordered by the Court that a copy of same be served upon Marcella H. Grass notifying her to appear at the hearing of said petition in the Court room of the Circuit Court of Baldwin County, on Thursday September 27th, 1951 at three p.m. then and there to show cause, if any she have, why the prayer of said Petition should not be granted.

Done at Bay Minette, Alabama this the 18th day of September, 1951.

Jeffrey J. Maslibury, Jr.
Judge.

EQUITY No. 2404

MARCELLA HAYES GRASS,
Complainant

VS

ANDREW H. GRASS,
Respondent

PETITION TO AMEND DECREE

RECORDED

FILED

SEP 18 1931

ALICE L. DOCK, Register

Rickaby & Rickaby

*copy mailed Marcella
Hayes Grass 9.18.31*

MARCELLA H. GRASS,
Complainant

vs

ANDREW H. GRASS,
Respondent

EQUITY No. 2404

CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

TO

THE HONORABLE TELFAIR J. MASEBURN, JR., JUDGE OF THE
CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA:

Comes ANDREW H. GRASS, Respondent in the above styled cause and respectfully shows:

FIRST: That under the terms of the decree of divorce in the cause rendered December 16, 1949, Complainant was granted custody of the three children of the marriage during such time as said children were attending school during which time Respondent was to pay to Complainant for the maintenance and support of said children the sum of Twenty-five Dollars per week. That during the months of school vacation the custody of said children was to be in Respondent and the expense of their maintenance would be borne by him during such period. That while said children were in school Respondent regularly made the weekly payments commanded by the divorce decree.

SECOND: That although that part of the decree of divorce relating to the custody of the children which was rendered pursuant to a solemn agreement drawn between the parties hereto under the direction and advice of their respective counsel, provided that Respondent should have the right to visit and see said children during reasonable hours, Complainant forbade her two daughters or so influenced them against their father that except for one or two occasions in the early part of 1950, he was unable to have their companionship at any time. That, though it had been understood that Andrew James was to spend week-ends with his father, he was on a number of occasions prevented from so doing. However, in the month of February, 1951, Complainant consented that said son should live entirely with his father and this consent was ratified by a modification of the divorce decree made by order of the Judge of this Court after a conference with Complainant whereby the weekly payments of Twenty-five Dollars were reduced to Twenty Dollars after said son began to live with his father and which agreement continued without question up to within the past two weeks and until unlawfully terminated by Complainant.

THIRD: That at no time during the summer vacation of 1951 did Complainant comply with her written agreement by sending either daughter to visit her father at his home in the eastern suburbs of Fairhope or permit Respondent, who had been forbidden by Complainant, to come near the house purchased by Respondent where the children lived, able to see or visit his daughters during the summer months as was his right.

FOURTH: That although the son, Andrew James Grass, had been living happily and contentedly since the month of February with his father and the latter's second wife who was an aunt by marriage and had known the children since infancy, Complainant breached her agreement with Respondent made in February last by forceably taking possession of said son and not only refusing to return him to his father but insists that hereafter she will have permanent custody of all three children to the entire exclusion of any rights of Respondent.

FIFTH: That on Tuesday, September 4, Respondent had an interview with Complainant to discuss the custody and maintainance of said children with a view to an amicable adjustment which was entirely unsatisfactory,, Complainant refusing to entertain any proposition other than the sole custody of all three children including the son, who much prefers to be with his father with whom he is very congenial and to whom he is devoted, or to make any arrangement by which the children can see and be with Respondent.

SIXTH: Respondent further shows that by the decree of divorce, this Court reserved control of this cause to safeguard the welfare of the minor children. He now prays that a day be set for hearing and passing upon the rights of the respective parties of the cause as to the care and custody of said children. That at such hearing an order be made granting Respondent the entire custody of Andrew J. Grass and the right to visit and accociate with his two daughters at such times and places as shall be fair to both parties and to the children themselves; to clearly define the rights of both parents in accordance with the agreement made by them and embodied in the decree of divorce, to restrain Complainant in her efforts to alienate the children from their father, and to have such other and further orders made as are to the best interests of said children.

Andrew Grass
Respondent.

Risley + Risley
Solicitors for Respondent.

Subscribed and sworn this the 6th day of
September, 1951.

Elliot B. Risley
Notary Public, State of Alabama at Large.

EQUITY No. 2404

MARCELLA H. GRASS,
Complainant

vs.

ANDREW H. GRASS,
Respondent

MOTION TO REGULATE
CUSTODY OF CHILDREN

RECORDED

FILED

SEP 7 1954

ALICE J. DICK, Registrar

MARCELLA HAYES GRASS,
Complainant

vs

ANDREW H. GRASS,
Respondent

EQUITY NO. 2404

CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

Comes ANDREW H. GRASS, Respondent in above styled cause and for answer to the motion for a citation for contempt signed July 30, 1951, says:

~~FIRST: That the motion, not being verified, cannot be considered by this Court.~~

Not waiving the foregoing objection, Respondent further answers, the averments of the petition thus:

SECOND: Respondent admits that a decree of divorce was rendered in this cause on December 16, 1949 and avers that it definitely sets out the future relations and duties of both parties.

THIRD: Respondent admits that in said decree a provision was made requiring Respondent to pay to Complainant during the months the children were in school, the sum of TWENTY-FIVE DOLLARS per week to be expended upon the maintenance of the three children of the marriage, but shows that on or about the middle of February 1951 and after Respondent was given the sole custody of the son of the marriage, this payment by Court order was reduced to TWENTY DOLLARS per week and at all times promptly paid by Respondent up to and through the week ending May 12, 1951.

FOURTH: That said decree further provided that during the school vacation the custody of the children was to be with Respondent by whom their maintenance and support was to be supplied by Respondent direct. That Respondent has purchased and furnished a comfortable home in the outskirts of the town of Fairhope to which he has added rooms to accommodate his children during the summer months, but Complainant, since the closing of school May 12, has refused to surrender the custody of said children to Respondent in accordance with the written agreement entered into by the parties and embodied in the decree of divorce and

hence does not present this motion with clean hands.

FIFTH: That Respondent has at no time failed or refused to comply with the requirements of said decree but, on the contrary, has provided a comfortable home and adequate support for his two daughters for the summer months when it was ordered that he have his children with him but Complainant has failed or refused to allow said children to take advantage of the efforts of a father to regain the love and respect of two attractive daughters in whose welfare he is deeply concerned.

SIXTH: Respondent further says that the spirit and purpose of the separation agreement was to prevent the alienation of the affections of the children from either parent and to provide for the support and maintenance of the children, not of Complainant. That the present provision secures the health and welfare of the children for the summer months, which Respondent is ready, willing, and able to provide.

SEVENTH: That Complainant seeks to give as an excuse for not sending her two daughters to live with Respondent during the summer months as provided in the divorced decree, that the older girl, MARCELLA MARIE, is now sixteen years of age and being unwilling to go, cannot be made to do so. She makes no claim of trying to influence said daughter to keep faith with an agreement made in her behalf. She gives no reason for not sending the younger daughter, FLORA, now thirteen years of age and legally under maternal control, Complainant for many months refused to consent ~~to consent~~ to ANDREW GRASS, JR. going to live with his father because he and Flora are twins and hence should not be separated. Now she is unwilling for Flora to live with her twin brother in the four summer months.

EIGHTH: That the efforts of Complainant to keep said children from the Respondent, their father, is a wrong both to the children and to him and Complainant is now demanding money of Respondent and seeking to profit by her own wrong.

NINTH: That during school vacation, when the two girls are out of school and need parental care and supervision, Complainant, from her present occupation as a driver of a taxi-cab is unable to give this and said daughters are left to their own devices, a

more or less dangerous condition for attractive young girls.

TENTH: That the rights of parent and child are reciprocal. Father has duty to support and protect daughter. She in return must contribute her services and companionship. While the Courts will respect her choice as to with which parent she will live, if she elects to ignore parent and support herself, she cannot expect support and thereby profit by her own wrong.

ELEVENTH: That Respondent has at no time refused to comply with the terms of the separation agreement and the decree embodying same, but is ready, willing, and able to do what is to the best interests of said children and hence in no sense, either legally or morally, disobedient to the orders of this Court.

THE PREMISES CONSIDERED, Respondent prays that Complainant's prayer for contempt citation be dismissed; that an order be made confirming the agreement made in February last assigning Respondent the sole custody of Andrew James Grass subject to the right of Complainant to see said son at any reasonable hours and requiring Complainant to discontinue her efforts to further alienate the two daughters from their father but to permit visits of said children to their father during reasonable hours and to obey in all respects the mandate of the decree of divorce rendered in this cause.

Respectfully submitted,

Andrew Grass

Respondent.

Ris, Early & Ris, Early
Solicitors for Respondent.

A copy of the foregoing answer was mailed to Complainant, postage prepaid, this 8th day of September, 1951,

-3-

Elliott B. Ris Early

Equity No 2404

Manuela H Grass,
Complainant

vs
Andrew H Grass
Respondent.

Answer to motion for
Contempt Citation.

RECORDED

FILED

SEP 1951

ALICE J. DWCK, Register

Rickaby & Rickaby

MARCELLA HAYES GRASS

COMPLAINANT

VS

ANDREW GRASS

RESPONDENT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

NO. 2404

TO HONORABLE TELFAIR J. MASHEURN JR., Judge of the Circuit Court of Baldwin County, Alabama, in Equity:

Now comes Marcella Hayes Grass and respectfully represents and shows unto your Honor and this Honorable Court as follows:

1.

That on December 16, 1949, a decree of divorce was granted in the above styled cause; and

2.

That the said decree provided as follows; "It is further ordered, adjudged and decreed, that in lieu of any provisions of alimony the signed agreement between the parties to this cause is attached to and made apart of this agreement";

3.

That said agreement provided among other things: "For the support and maintenance of the three children of the marriage, the Respondent will pay to the Complainant the sum of TWENTY-FIVE (\$25.00) DOLLARS per week to be expended upon the maintenance, clothing and support of their three children and the payment for all their expenses including public utilities, Colony rent, taxes and insurance. Respondent will also pay for such medicinal, dental and optical services as may be necessary for any of said children, for their school fees, books and school equipment and in the event of serious illness of any child, for such necessary medicinal nursing care and hospitalization as then may be required";

4.

That the parties have three children, Marcella Marie Grass, Andrew James Grass and Flora Erdine Grass, all of whom live with your Petitioner.

5.

That the Respondent has failed or refused to comply with the terms and conditions of said decree.

WHEREFORE, The premises considered, the Complainant prays that your Honor will issue a citation to the Respondent requiring him to show cause, if any he has, why he should not be adjudged in contempt of court in not complying with the decree thereof.

Marcella H. Grass

STATE OF ALABAMA

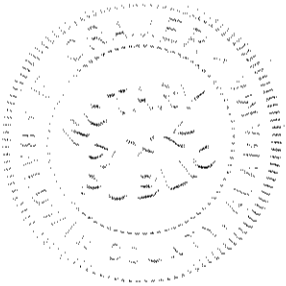
BALDWIN COUNTY

Before me the undersigned authority, in and for said County, in said State, personally appeared Marcella Hayes Grass, who is known to me and who having been by me first duly sworn, deposes and says: That the facts contained in the foregoing petition are true.

Marcella H. Grass

Sworn to and subscribed before me on this the 30 day of July, 1951.

E. G. Gauer
Notary Public, Baldwin County, Ala.



MARCELLA HAYES GRASS,

Complainant,

VS.

ANDREW GRASS,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY. NO. 2404.

This day came Marcella Hayes Grass and filed herein her verified petition praying that Andrew Grass be required to appear and show cause, if any he have, why he should not be punished as for a contempt in regard to the nature of things set out in the verified petition; and upon consideration of the said petition, it is

Ordered, adjudged and decreed by the court that the said Andrew Grass appear before the court at 3:00 o'clock P. M., on the 13th day of September, 1951, in the court room of the circuit court of Baldwin County, Alabama, at Bay Minette, Alabama, and show cause, if any he have, why he should not be punished as for a contempt.

Let a copy of said petition and of this rule to show cause be served forthwith, personally upon the said Andrew Grass by the Sheriff of Baldwin County, Alabama.

Done this 5th day of September, 1951.

Julius J. Madbury Jr.
Judge

702404

Marcella Hayes Grass

vs.

Andrew Grass

Received in Sheriff's Office
this 5 day of Sept, 1951
TAYLOR WILKINS, Sheriff

FILED

SEP 5 1951

ALICE L. DUCK, Register

Petition

RECORDED

Executed 9-7-51
By serving a copy
of the within
Petition on Andrew
Grass

Filed 9-5-51
Alice L. Duck
Register

Taylor Wilkins Sheriff
By Floyd Phillips D. S.

MARCELLA HAYES GRASS,

Complainant

-vs-

ANDREW H. GRASS,

Respondent

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

No. 2404

ORDER

WHEREAS the Respondent in the above mentioned cause has filed a petition praying that the Court will amend the decree rendered on the 16th day of December, 1949, and amended the 2nd day of October, 1951;

It is hereby ORDERED, ADJUDGED, and DECREED, that this petition be set for hearing at 10:00 a.m. on the 22nd day of ~~December~~ 1952, at the Court House in Bay Minette, Alabama, and that a copy of this order, together with the Petition, be served on the Complainant, MARCELLA HAYES GRASS, notifying her of this hearing.

Done this the 15th day of December, 1952.

Telfair J. Mashburn
Telfair J. Mashburn,
Judge Circuit Court

Mrs. Marcella Hayes Grass is a resident of Fairhope and is working for the Square Deal Radio & Television Shop in Fairhope.

Equity No. 2404

MARCELLA HAYES GRASS,
Complainant

--VS--

ANDREW H. GRASS,
Respondent

O R D E R

MARCELLA HAYES GRASS,
Complainant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
EQUITY NO. 2404

-vs-

ANDREW H. GRASS,
Respondent

Comes your Petitioner, ANDREW H. GRASS, the Respondent
in the above styled cause and shows to this Court:

1. That by decree rendered by this Court dated 2 October, 1951, the custody of MARCELLA MARIE GRASS and FLORA ERDINE GRASS, the two daughters of the parties to this cause, was given to the Complainant.
2. That his daughter, MARCELLA MARIE GRASS, has since married and is not living with her mother, the Complainant.
3. That he, since the decree of divorce was rendered in this cause, has established a good and wholesome home.
4. That his daughter, Flora Erdine Grass is now fourteen years of age and she is unhappy staying alone with her mother and she wants to live with this petitioner and her twin brother and it is now to the best interest of the said Flora Erdine Grass to live with and be subject to the custody and control of this Petitioner, Andrew H. Grass.

WHEREFORE, Petitioner prays that a notice of this petition be served on this said Complainant, Marcella Hayes Grass, requiring her to appear and show cause, if any there be, why said petition should not be granted.

And that on a hearing of this cause the court will amend said decree rendered on the 16th day of December, 1949, and amended 2 October, 1951; and allow this Petitioner to have the control and custody of his daughter, Flora Erdine Grass, subject to the right of said daughter to visit her mother and that the Court relieve the Petitioner the duty of paying the Complainant money to be used for the maintainance and support of said daughters when they are no longer in her care and custody.

(Signed) ANDREW H. GRASS

Petitioner

Subscribed and Sworn to before me this 5th day of December,
1952.

RICKARBY & RICKARBY
By: E. G. Rickarby, Jr.
Attorneys for Respondent

(Signed) E. G. RICKARBY, JR.
Notary Public, Baldwin County, Alabama

Record

Phone

RECORDED

MARCELLA HAYES GRASS,
Complainant

-VS-

ANDREW H. GRASS,
Respondent

PETITION TO AMEND DECREE

Received in Sheriff's Office
this *15* day of *Dec* 19*52*
TAYLOR WILKINS, Sheriff

Executed Dec. 17, 1952
By Serving Copy on

Andrew H. Grass

Sheriff
Taylor Wilkins
By
Edlign Sleadham

FILED

DEC 8 1952

ALICE J. DUCK, Register

MARCELLA HAYES GRASS,
Complainant,

-vs-

ANDREW H. GRASS,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

NO. 2404

ORDER

WHEREAS the Respondent in the above mentioned cause has filed a petition praying that the Court will amend the decree rendered on the 16th day of December, 1949, and amended the 2 day of October, 1951;

It is hereby ORDERED, ADJUDGED, and DECREED, that this petition be set for hearing at 10:00 a.m. on the ^{12th} day of ~~January~~, 1953, at the Court House in Bay Minette, Alabama, and that a copy of this order, together with the Petition, be served on the Complainant, MARCELLA HAYES GRASS, notify-
in her of this hearing.

Done this the 29th day of ~~December~~ 1952

Welfair J. Mashburn, Jr.
Welfair J. Mashburn,
Judge Circuit Court

Mrs. Marcella Hayes Grass is a resident of Fairhope and is working for the Square Deal Radio & Television Shop in Fairhope.

MARCELLA HAYES GRASS,
Complainant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

-vs-

EQUITY NO. 2404

ANDREW H. GRASS,
Respondent

Comes your Petitioner, ANDREW H. GRASS, the Respondent
in the above styled cause and shows to this Court:

1. That by decree rendered by this Court dated 2 October,
1951, the custody of MARCELLA MARIE GRASS and FLORA ERDINE GRASS,
the two daughters of the parties to this cause, was given to the
Complainant.

2. That his daughter, MARCELLA MARIE GRASS, has since
married.

3. That he, since the decree of divorce was rendered in
this cause, has established a good and wholesome home.

4. That his daughter, Flora Erdine Grass is now fourteen
years of age and she is unhappy staying alone with her mother and
she wants to live with this petitioner and her twin brother and it
is now to the best interest of the said Flora Erdine Grass to live
with and be subject to the custody and control of this Petitioner,
Andrew H. Grass.

WHEREFORE, Petitioner prays that a notice of this petition
be served on this said Complainant, Marcella Hayes Grass, requiring
her to appear and show cause, if any there be, why said petition
should not be granted.

And that on a hearing of this cause the court will amend
said decree rendered on the 16th day of December, 1949, and amended
2nd October, 1951; and allow this Petitioner to have the control and
custody of his daughter, Flora Erdine Grass, subject to the right of
said daughter to visit her mother and that the Court relieve the
Petitioner the duty of paying the Complainant money to be used for
the maintainance and support of said daughters when they are no longer
in her care and custody.

(SIGNED) ANDREW H. GRASS
Petitioner

Subscribed and Sworn to before me this 5th day of December
1952

RICKARBY & RICKARBY

(SIGNED) E.G. Rickarby, Jr.

(SIGNED)

E. G. Rickarby, Jr.

Notary Public, Baldwin County, Alabama

MARCELLA HAYES GRASS

Complainant

-vs-

ANDREW H. GRASS

Respondent

PETITION TO AMEND DECREE

Executed Dec, 31, 1952
By Serving Copy on
Marcella Hayes Grass

Shuff
Taylor Wilkins
By
Edleigh Steadman

Shuff
Taylor Wilkins
By
Edleigh Steadman

Marcella Hayex Grass, Complainant	::	Circuit Court
		Baldwin County
vs	::	Alabama
Andrew Grass, Respondent	::	IN EQUITY

This day came Marcella Hayes Grass and filed herein her verified petition praying for an order upon Andrew Grass to show cause why he should not be punished as for a contempt, a true and correct copy of said verified petition being hereto attached, and now upon consideration of the same, it is

Ordered, adjudged and decreed by the Court:

1. That the said Andrew Grass do hereby appear before the Court in his own proper person at 10:00 o'clock in the fore- noon on the 4th day of October, 1950, in the Courtroom of the Circuit Court of Baldwin County, Alabama, at Bay Minette, Alabama, then and there to show cause, if any he have, why he should not be punished as for a contempt of court for and on account of the matters and things set out in the verified petition of the said Marcella Hayes Grass.
2. That the Sheriff of Baldwin County, Alabama, do forthwith serve upon the said Andrew Grass a copy of this order and the attached petition and make due return thereof.

Done this 26th day of September, 1950.

Jeffrey J. Madsbury Jr.
Circuit Judge

Marcella Hayes Grass, Complainant

vs

Andrew Grass, Respondent

CIRCUIT COURT

BALDWIN COUNTY

ALABAMA

IN EQUITY

To the Honorable Telfair J. Mashburn, Jr., Judge of said Court, in Equity sitting:

First: On December 16th 1949, this Honorable Court did render a decree of divorce in favor of your Petitioner, Marcella Hayes Grass and against said Andrew Grass.

Second: In said decree the Court ordered said Andrew Grass to pay the sum of Twenty Five (25) Dollars, weekly, for the support of the three minor children of the parties, namely: Marcella Marie, Andrew James and Flora Erdine, said sum to be paid to the Complainant and to continue.

Third: That the said Andrew Grass, though having the financial ability to comply with said decree, has wilfully refused and failed to pay to your petitioner the sums directed to be paid in said decree and such failure has continued from week to week since August 26th 1950, said Andrew Grass having paid to your petitioner the sum of \$15.00 per week and, for one of said weeks since August 26th 1950, paid to your petitioner the sum of \$11.25, being presently in arrears to the amount of \$43.75.

Fourth: The premises considered, your petitioner, Marcella Hayes Grass, respectfully prays that this Court make an order and decree, requiring said Andrew Grass to be and appear before the Court at such time and place as Your Honor may direct, to show cause, if any he have, why he should not be punished as for a contempt.

And Petitioner will ever pray, etc.

Marcella Hayes Grass
Marcella Hayes Grass

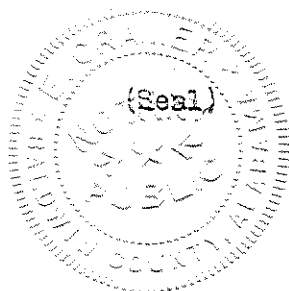
State of Alabama
Baldwin County

Before me, a Notary Public in and for said County and State, personally appeared Marcella Hayes Grass, who being known to me, and being by me first duly sworn, doth depose and say that she has knowledge of the facts stated in the above petition and that said facts as therein stated are true.

Marcella Hayes Grass
Marcella Hayes Grass

Sworn to and subscribed before me this 75 day of September, 1950.

E. C. Daniel
Notary Public, Baldwin County, Alabama

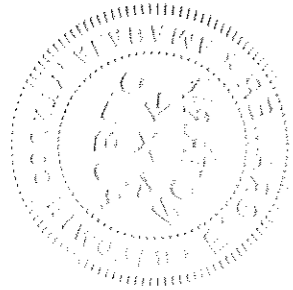


I hereby accept
service this
... of Sept 1950

RECORDED

FILED
SEP 26 1950

ALICE L. DUCK, Registrar



MARCELLA HAYES GRASS

COMPLAINANT

VS

ANDREW GRASS

RESPONDENT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
IN EQUITY
NO. 2404

TO HONORABLE TELFAIR J. MASHBURN, JR., Judge of the Circuit Court of
Baldwin County, Alabama, in Equity:

Now comes Marcella Hayes Grass and respectfully represents and
shows unto your Honor and this Honorable Court as follows:

1.

That on December 16, 1949, a decree of divorce was granted in the
above styled cause; and

2.

That the said decree provided as follows; "It is further ordered,
adjudged and decreed, that in lieu of any provisions of alimony the
signed agreement between the parties to this cause is attached to and
made apart of this agreement";

3.

That said agreement provided among other things: "For the support
and maintenance of the three children of the marriage, the Respondent
will pay to the Complainant the sum of TWENTY-FIVE (\$25.00) DOLLARS
per week to be expended upon the maintenance, clothing and support
of their three children and the payment for all their expenses including
public utilities, Colony rent, taxes and insurance. Respondent will
also pay for such medical, dental and optical services as may be necessary
for any of said children, for their school fees, books and school
equipment and in the event of serious illness of any child, for such
necessary medical nursing care and hospitalization as then may be
required";

4.

That the parties have three children, Marcella Marie Grass, Andrew
James Grass and Flora Erdine Grass, all of whom live with your Petitioner.

That the Respondent has failed or refused to comply with the terms and conditions of said decree.

WHEREFORE, The premises considered, the Complainant prays that your Honor will issue a citation to the Respondent requiring him to show cause, if any he has, why he should not be adjudged in contempt of court in not complying with the decree thereof.

/s/ Marcella H. Grass

STATE OF ALABAMA

BALDWIN COUNTY

Before me the undersigned authority, in and for said County, in said State, personally appeared Marcella Hayes Grass, who is known to me and who having been by me first duly sworn, deposes and says: That the facts contained in the foregoing petition are true.

/s/ Marcella H. Grass

Sworn to and subscribed before me on this the 30 day of July, 1951.

/s/ E. Cramer
Notary Public, Baldwin County, Ala.

(Notary Seal affixed)

No 2404

Marcella Hayes Grass

vs.

Andrew Grass

Petition

RECORDED

FILED

Aug 3 1951

ALICE J. DECK, Register

MARCELLA HAYES GRASS

Complainant

-vs-

ANDREW GRASS

Respondent

No. 2404 E Q U I T Y

CIRCUIT COURT OF

BALDWIN COUNTY,

ALABAMA

Comes ANDREW GRASS, Respondent in the above styled cause and for answer to the petition of Complainant praying that he be held in contempt for failure to obey the orders of this Court, respectfully shows:

FIRST: Respondent admits the allegation of Paragraph First of the petition that a decree of divorce was rendered in this cause on 16 December 1949 and that under the terms of an agreement of the parties embodied in said decree, he is required to pay the sum of Twenty-five Dollars per week to be expended for the food, clothing and maintenance of the three children of the marriage.

SECOND: Respondent denies that he has been guilty of any contempt of the mandate of this Court or any wilfull refusal to comply with his written agreement and the Court's order as to furnishing the said sum of Twenty-five Dollars per week for the support of his children. While he has paid to Complainant in person but Fifteen Dollars per week since 26 August 1950, he has expended far more than the difference between that and Twenty-five Dollars in buying clothes for said children in accordance with a written list furnished him by Complainant, so that said children have received the full benefit of the amount ordered by the Court to be paid.

THIRD: Respondent further shows that within the past sixty days he has paid the Jordan Clinic, Fairhope, One Hundred Twenty-four Dollars for two tonsillectomies for his son, Andrew James, and his little daughter, Flora; and had made arrangements with a responsible dentist in Mobile, Alabama, for a fall check-up of the children's dental needs, but when the date of appointment arrived, Complainant refused to allow said children to go to Mobile for the purpose, alleging as an excuse a reason which Respondent, upon investigation, found to be untrue.

FOURTH: Respondent further shows that under the terms of the decree he is to pay nothing for alimony or for the support of his former

wife, but consented that she continue to live in the comfortable house which Respondent had purchased and put in the names of their three children with the understanding that Complainant could reside therein until such time as she married again.

FIFTH: Respondent further shows that Complainant has repeatedly shown an inability or aversion to expending the money entrusted to her for the children's use wisely and to their best interest, and that in seeing that the money furnished by him for their use is so applied, he is acting in their best interest.

SIXTH: Respondent further shows that while he has contributed to the children's support and maintenance each week materially in excess of the agreed amount, Complainant has failed to live up to her agreement to give him opportunity to be with said children. That she agreed that their son should spend weekends with his father at his home on the Bay Front, but she has on a number of occasions violated said agreement and by refusing to allow said son to leave home has attempted to use Respondent's love for his boy as a means to force him to comply with her unreasonable demands.

SEVENTH: Respondent is prepared to evidence his good faith in his full compliance with the Court's decree and the children's best interest by documentary proof of expenditures made by him.

Respondent has at all times sought to fully obey the orders of this Court, being confident that they are made to the best interest of his children and with the facts before the Court asks such further orders as to your Honor shall seem best for the welfare of his children.

Respectfully submitted,

ANDREW GRASS

Respondent.

MARCELLA HAYES GRASS,

Complainant

-VS-

ANDREW GRASS,

Respondent

NO. 2404 E Q U I T Y

CIRCUIT COURT OF

BALDWIN COUNTY,

ALABAMA

ANSWER TO PETITION FOR
CONTEMPT DECREE

FILED

OCT 2 1950

ALICE J. DUCK, Register

MARCELLA HAYES GRASS

Complainant

-vs-

ANDREW GRASS

Respondent

No. 2404 E Q U I T Y

CIRCUIT COURT OF

BALDWIN COUNTY,

ALABAMA

Comes ANDREW GRASS, Respondent in the above styled cause and for answer to the petition of Complainant praying that he be held in contempt for failure to obey the orders of this Court, respectfully shows:

FIRST: Respondent admits the allegation of Paragraph First of the petition that a decree of divorce was rendered in this cause on 16 December 1949 and that under the terms of an agreement of the parties embodied in said decree, he is required to pay the sum of Twenty-five Dollars per week to be expended for the food, clothing and maintenance of the three children of the marriage.

SECOND: Respondent denies that he has been guilty of any contempt of the mandate of this Court or any wilfull refusal to comply with his written agreement and the Court's order as to furnishing the said sum of Twenty-five Dollars per week for the support of his children. While he has paid to Complainant in person but Fifteen Dollars per week since 26 August 1950, he has expended far more than the difference between that and Twenty-five Dollars in buying clothes for said children in accordance with a written list furnished him by Complainant, so that said children have received the full benefit of the amount ordered by the Court to be paid.

THIRD: Respondent further shows that within the past sixty days he has paid the Jordan Clinic, Fairhope, One Hundred Twenty-four Dollars for two tonsillectomies for his son, Andrew James, and his little daughter, Flora; and had made arrangements with a responsible dentist in Mobile, Alabama, for a fall check-up of the children's dental needs, but when the date of appointment arrived, Complainant refused to allow said children to go to Mobile for the purpose, alleging as an excuse a reason which Respondent, upon investigation, found to be untrue.

FOURTH: Respondent further shows that under the terms of the decree he is to pay nothing for alimony or for the support of his former

wife, but consented that she continue to live in the comfortable house which Respondent had purchased and put in the names of their three children with the understanding that Complainant could reside therein until such time as she married again.

FIFTH: Respondent further shows that Complainant has repeatedly shown an inability or aversion to expending the money entrusted to her for the children's use wisely and to their best interest, and that in seeing that the money furnished by him for their use is so applied, he is acting in their best interest.

SIXTH: Respondent further shows that while he has contributed to the children's support and maintenance each week materially in excess of the agreed amount, Complainant has failed to live up to her agreement to give him opportunity to be with said children. That she agreed that their son should spend weekends with his father at his home on the Bay Front, but she has on a number of occasions violated said agreement and by refusing to allow said son to leave home has attempted to use Respondent's love for his boy as a means to force him to comply with her unreasonable demands.

SEVENTH: Respondent is prepared to evidence his good faith in his full compliance with the Court's decree and the children's best interest by documentary proof of expenditures made by him.

Respondent has at all times sought to fully obey the orders of this Court, being confident that they are made to the best interest of his children and with the facts before the Court asks such further orders as to your Honor shall seem best for the welfare of his children.

Respectfully submitted,



Respondent.

NO. 2404 E Q U I T Y

CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA

MARCELLA HAYES GRASS,

Complainant

VS

ANDREW GRASS,

Respondent

RECORDED

ANSWER TO PETITION
FOR CONTEMPT DECREE

FILED
OCT 2 1950
ALICE J. DICK, Registrar

MARCELLA HAYES GRASS
COMPLAINANT
VS
ANDREW GRASS
RESPONDENT

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

TO HONORABLE TELFAIR J. MASHEURN, JUDGE OF THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA, IN EQUITY:

Your Complainant, Marcella Hayes Grass respectfully represents and
shows unto your Honor as follows:

1.

That on to-wit, December 16, 1949, a decree of divorce was entered
by this court wherein and whereby your Complainant was forever divorced
from the Respondent on the grounds of abandonment.

2.

That in and as a part of said decree the Respondent was required to
pay to the Complainant the sum of TWENTY FIVE (\$25.00) DOLLARS per week
to be expended upon the maintenance, clothing and support of their three
children, namely: Marcella Marie, Andrew James and Flora Erdine, and the
payment of all their expenses including public utilities, colony rent,
taxes and insurance.

3.

That the Respondent has failed or refused and continues to fail or
refuse to comply with the terms and conditions of said decree and to pay
the money as therein provided.

WHEREFORE, the premises considered the Complainant prays that your
Honor will make and enter an order and decree requiring the Respondent
to appear and show cause why he should not be adjudged in contempt of
court for not complying with the decree and requirements of the court.

Marcella Hayes Grass
Complainant

2404

RECORDED

FILED

JUL 3 1951

ALICE J. DUCK, Registrar

MARCELLA HAYES GRASS,
Complainant

EQUITY No. 2404

vs

CIRCUIT COURT OF

ANDREW H. GRASS,
Respondent

BALDWIN COUNTY, ALABAMA

To

HONORABLE TELFAIR J. MASHBURN, JR., JUDGE OF THE
CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA: IN EQUITY

Comes ANDREW H. GRASS, Respondent in the above styled cause and prays that that part of the decree of divorce in this cause rendered December 16, 1949 relating to the custody of the three children of the marriage be amended as hereinafter set out and in support of said prayers shows:

FIRST: That while the provision in the decree as to the custody of said children was based on an agreement voluntarily made by the parties and by dividing the custody of the children between the two parties, sought to continue the pleasant relations existing between parent and child, the good faith essential to its success has not been manifested by Complainant so that the best interests of the children are not protected; Wherefore Petitioner prays for a modification of said decree as follows:

One: That the sole custody of Andrew James Grass, the son of the parties, who with Complainant's consent has been living with Petitioner since last February and until the commencement of the school term August 27 last, be vested solely in Petitioner subject to the rights of Complainant to have said child visit her at reasonable hours. This being the earnest desire of said son who is devoted to and congenial with his father.

Two: That the custody of Marcella Marie and Flora Erdine Grass continue with Complainant under the conditions provided by the decree of divorce.

THREE: Petitioner is a steady, hard-working man, a skilled mechanic long employed by one of the leading automobile dealers in Fairhope and is a man of sober habits well regarded in the community and in all respects a desirable parent for a growing boy; that it will be to the said son's best interests that he continue with and be

brought up under such paternal guardianship.

THE PREMISES CONSIDERED, The Defendant prays that a day be set for hearing this petition of which notice be given Marcella Hayes Grass together with a copy of this petition and at which time this said petition may be heard and considered and upon such hearing an order be made amending the original decree aforesaid and granting to Petitioner the entire custody of his son.

ANDREW H. GRASS

Petitioner

Subscribed and sworn to before me this the
September 17, 1951.

ELLIOTT G. RICKARBY

Notary Public, State of Alabama at Large.

MARCELLA HAYES GRASS,
Complainant

vs

ANDREW H. GRASS,
Respondent

EQUITY NO. 2404

CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

This day came ANDREW H. GRASS, and filed herewith his verified petition praying that Marcella Hayes Grass be required to appear and show cause, if any she have, why the custody of Andrew James Grass should not be delivered to Petitioner; and upon consideration of said petition it is ordered by the Court that a copy of said petition be served upon Marcella H. Grass notifying her to appear at the hearing of said petition in the Court room of the Circuit Court of Baldwin County, on Thursday, September 20, 1951 at three p.m. then and there to show cause, if any she have, why the prayer of said Petition should not be granted.

Done at Bay Minette, Alabama this the 17th day of September, 1951.

Judge.

LAW OFFICES

ELLIOTT G. RICKARBY

RICKARBY & RICKARBY
FAIRHOPE, ALABAMA

E. G. RICKARBY, JR.

15 September 1951

Mrs. Alice J. Duck
Register
Bay Minette, Alabama

Dear Mrs. Duck:

GRASS VS GRASS: With this find the petition relative to the custody of the son of the parties filed in accordance with Judge Mashburn's suggestion. Our client is very much concerned over the influences surrounding his son under present conditions and asks that the matter be heard and determined at the earliest possible convenience.

We have drawn an order for the Judge's signature suggesting next Thursday afternoon at three o'clock as a time most convenient to the witnessess whom we expect to bring, all of whom are prominent citizens of Fairhope and will appreciate the co-operation of Judge Mashburn in this.

Please see that the papers are presented to him for signature as early as possible Monday morning.

Sincerely,

Elliott G. Rickarby

for
RICKARBY & RICKARBY

ECR:fc
2911-a
Encs.

**The State of Alabama,
BALDWIN COUNTY**

CIRCUIT COURT. (Equity)

TERM, 19.....

No. 2404 VS.

BILL OF COSTS

REGISTER'S FEES:	@	AMOUNT	REGISTER'S FEE-Continued:	@	AMOUNT
1. Filing Bills or other paper.....	\$0.15		48. Each Certificate or Affidavit with Seal.....	.75	
2. Copy of Bill or other paper, 100 words.....	.20		49. Each Certificate or Affidavit without Seal....	.50	
3. Docketing Cause	1.00		50. Each Notice not otherwise provided for.....	.75	
4. Issuing Subpoena on Bills .....	.75		51. Entering Orders by the Register.....	.50	
5. Copies .....	.50		52. Recording Registration, Removal or Suggestion of Death of Trustee.....	.75	
6. Entering Return .....	.15		53. Entering each Certificate of Supreme Court..	.50	
7. Order of Publication to Non-Residents	1.25		54. Transcript at .15 per 100 words.....		
8. Abstract for Publication, 100 words.....	.20		55. Certified Copy of Decree.....	1.50	
9. Attachment Writ	1.00		56. Recording Copy of Decree in Probate Court ..	.25	
10. Injunction Writ	1.50		57. State Certificate .....	.50	
11. Copy .....	.50		58. Commission on Sales.....		
12. Entering Return .....	.15				
13. Entering Appearance .....	.50		TOTAL REGISTER'S FEES		
14. Decree Pro Confesso	1.25		SHERIFF'S FEES:		
15. Appointing Guardian ad litem.....	1.25		1. Summoning on Bill, Each Defendant.....	\$1.50	
16. Issuing Commission to take Testimony.....	.75		2. Executing Writ of Injunction, or Ne Exeat, Each.....	1.50	
17. Receiving and Filing each pkg. of Testimony	.10		3. Executing Subpoena for Witnesses, Each.....	.65	
18. Endorsing ea. pkg. of Depositions published	.10		4. Executing Writs of Possession, Each.....	5.00	
19. Entering Order Submitting Cause for Decree.	.50		5. Executing Scire Facias or Notice, Each.....	1.50	
20. Any Other Order.....	.25		6. Taking and Approving Bonds, Each.....	1.00	
21. Noting All Testimony .....	.50		7. Impaneling Jury .....	.75	
22. Abstract Docket each case.....	1.00		8. Collecting Execution for Costs Only, Each....	1.50	
23. Entering Decree, 500 words or less.....	1.00		9. Sheriff's Commission		
24. Entering Decree, over 500 words for every 100 words over 500.....	.20				
25. Taking Account, Swearing Witnesses, etc., per day	3.00		TOTAL SHERIFF'S FEES		
26. Taking Testimony on Reference, 100 words..	.15		SUMMARY OF FEES, COSTS AND JUDGMENT--		
27. Report of 500 words or less.....	3.00		Fees in Circuit Court:		
28. Report of over 500 words, for every 100 words over 500 .....	.20		1. Register's Fees		
29. But when the amount claimed is less than \$500, and the Register is not required to pass upon any disputed item indebtedness, payment or credit Reference and Rept.	2.00		2. Ex-Register's Fees		
30. Issuing Subpoena, each Witness.....	.25		3. Sheriff's Fees		
31. Witness Certificate .....	.25		4. Ex-Sheriff's Fees		
32. Issuing Execution .....	.75		5. Witness Fees		
33. Entering Return .....	.15		6. Commissioner's Fees		
34. Taking and Approving Bond.....	1.00		7. Guardian Ad Litem		
35. Making Complete Record, 100 words .....	.20		8. Publisher's Fees		
36. Hearing Application for Appointment of Receiver or Trustee.....	3.00		9. Solicitor's Fees		
37. Settlement with Receiver or Trustee.....	4.00		10. Court Reporter's Fees, Per Day or Fraction Thereof	5.00	
38. Examining Vouchers .....	.15		11. Trial Tax	3.00	
39. Examining Answer	3.00		12.		
40. Taking Question and Answer and Recording Same in proceedings to perpetuate testimony, per 100 words .....	.25		13.		
41. For all other services relating to such proceedings	1.00		14.		
42. Taking Testimony to relieve Minors of the disabilities of non-age.....	5.00		Fees and Costs in Inferior Court:		
43. For making each Deed to property sold	3.00		15. Clerk of Inferior Court, Fees.....		
44. Notices sent by mail to creditors.....	.15		16. Sheriff's Fees		
45. Filing, receipting for and docketing ea. claim	.25		17. Witness Fees		
46. Entries on Subpoena Docket.....	.50		18.		
47. Entries on Commission Docket.....	.50		19.		
			20. Total Fees and Costs in Inferior Court.....		
			21. Total Fees and Costs		
			22. Judgment		
			23.		
			24.		
			25. TOTAL FEES, COSTS AND JUDGMENT.....		

MARCELLA HAYES GRASS,
Complainant

vs

ANDREW GRASS,
Respondent

E Q U I T Y
IN THE CIRCUIT COURT
OF BALDWIN COUNTY, ALABAMA.

DEPOSITIONS OF MARCELLA HAYES GRASS AND
CAPTAIN JAMES W. HAYES, WITNESSES FOR
COMPLAINANT

The above named witnesses, appeared before me at the time and place hereinafter stated and upon examination by counsel for Complainant and Respondent, after being sworn, testified as follows:

MARCELLA HAYES GRASS

My name is Marcella Grass. I am over the age of twenty-one years and a resident of Baldwin County, Alabama, and have been such resident for more than two years next preceding the Bill of Complaint filed in this cause. I am the Complainant in said cause, and Andrew Grass is the Respondent therein. Andrew Grass and I were married in Pascagoula, Mississippi on February 12, 1931. Immediately thereafter we came to Baldwin County, Alabama, and have resided in Baldwin County continuously since that date. Andrew Grass is the father and I am the mother of three children; namely, Marcella Grass, a daughter aged fourteen years; Andrew Grass, Jr., a son aged twelve years and Flora Grass, a daughter aged twelve years. These children have during their lifetime and are at present time residing with me in Fairhope, Alabama. On December 5, 1948, Andrew left our home and abandoned me and the children and since that time has not resided with us at our home. I know of no just reason or cause or good excuse for Andrew's action in leaving me and the children. Since the date of December 5, 1948, when he left, Andrew and I have not lived together as husband and wife. In other words, the abandonment as aforestated has been complete and continuous since December 5, 1948.

CROSS-EXAMINATION

Andrew left me of his own accord and has since our separation been living at a small house that he has on the bay shore below Point Clear. He is employed in Fairhope and I have seen him and spoken to him but we have not gone back together. Since our separation, Andrew has given money to the children and paid for their support, but has refused to give anything to me.

RE-DIRECT

Efforts have been made to effect a reconciliation between Andrew and myself by mutual friends, particularly Mr. Rickarby and Mr. Burns, but all efforts have failed, and I cannot believe there is any reasonable ground upon which we can meet and expect to live together harmoniously.

Marcella H. Grass

CAPTAIN JAMES W. HAYES

My name is Captain James W. Hayes. I reside in Fairhope, Alabama, and am the father of Marcella Hayes Grass. My daughter and Andrew Grass have been married quite a few years. They seemed to be getting along all right throughout the years until about two years ago when some trouble arose between them and there was continual friction between the husband and wife from that day until December 5, 1948. On that date I was informed by my daughter that her husband had abandoned her and left the home and his family, and has since that time lived in his camp down on the Bay shore. Marcella and her husband have not lived together as husband and wife since he left her on that date.

James Hayes
Captain B. R. C.

CERTIFICATE

I, Helen P. Baugh, acting as commissioner by agreement of parties hereby certify that in the case of MARCELLA HAYES GRASS vs ANDREW GRASS, pending on the Equity side of the Circuit Court of Baldwin County, I caused MARCELLA HAYES GRASS and CAPTAIN JAMES W. HAYES, witnesses for the Complainant, to appear before me at my office in Fairhope, Alabama, where, after being duly sworn, upon examination by the solicitors for the Complainant and Respondent, they testified as is above written, and their testimony, after being reduced to writing, was read over and signed by them.

I further certify that I am neither of counsel nor of kin to either party to the cause or in anywise interested in the result thereof.

IN WITNESS WHEREOF, I hereto set my hand and seal as commissioner this the 15th day of December, 1949.

Helen P. Baugh
Commissioner.

MARCELLA HAYES GRASS,
Complainant

vs

ANDREW GRASS,
Respondent

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DEPOSITIONS OF MARCELLA
HAYES GRASS AND CAPTAIN
JAMES W. HAYES, WITNESSES
FOR COMPLAINANT

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FILED

DEC 16 1949

ALICE J. DUCK, Register

Commissioner's Fee \$7.50

MARCELLA HAYES GRASS

COMPLAINANT

VS

ANDREW GRASS

RESPONDENT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
IN EQUITY
NO. 2404

TO HONORABLE TELFAIR J. WASHBURN, JR., Judge of the Circuit Court of
Baldwin County, Alabama, in Equity:

Now comes Marcella Hayes Grass and respectfully represents and
shows unto your Honor and this Honorable Court as follows:

1.

That on December 16, 1949, a decree of divorce was granted in the
above styled cause; and

2.

That the said decree provided as follows; "It is further ordered,
adjudged and decreed, that in lieu of any provisions of alimony the
signed agreement between the parties to this cause is attached to and
made apart of this agreement";

3.

That said agreement provided among other things: "For the support
and maintenance of the three children of the marriage, the Respondent
will pay to the Complainant the sum of TWENTY-FIVE (\$25.00) DOLLARS
per week to be expended upon the maintenance, clothing and support
of their three children and the payment for all their expenses including
public utilities, Colony rent, taxes and insurance. Respondent will
also pay for such medical, dental and optical services as may be necessary
for any of said children, for their school fees, books and school
equipment and in the event of serious illness of any child, for such
necessary medical nursing care and hospitalization as then may be
required";

4.

That the parties have three children, Marcella Marie Grass, Andrew
James Grass and Flora Erdine Grass, all of whom live with your Petitioner.

5.

That the Respondent has failed or refused to comply with the terms and conditions of said decree.

WHEREFORE, The premises considered, the Complainant prays that your Honor will issue a citation to the Respondent requiring him to show cause, if any he has, why he should not be adjudged in contempt of court in not complying with the decree thereof.

/s/ Marcella H. Grass

STATE OF ALABAMA

BALDWIN COUNTY

Before me the undersigned authority, in and for said County, in said State, personally appeared Marcella Hayes Grass, who is known to me and who having been by me first duly sworn, deposes and says: That the facts contained in the foregoing petition are true.

/s/ Marcella H. Grass

Sworn to and subscribed before me on this the 30 day of July, 1951.

/s/ E. Craner
Notary Public, Baldwin County, Ala.

(Notary Seal affixed)

MARCELLA HAYES GRASS,
Complainant

vs

ANDREW GRASS,
Respondent

CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA:
IN EQUITY

TO THE

HONORABLE TELFAIR J. MASHBURN, JR.,
JUDGE OF SAID COURT

Comes now the Complainant, MARCELLA HAYES GRASS, and shows unto your Honor the facts following:

FIRST: That the Complainant, MARCELLA HAYES GRASS, is over the age of twenty-one years; a resident of Baldwin County, Alabama, having resided in said County for more than two years next preceding the filing of this bill. That the Respondent, ANDREW GRASS, is a resident of Baldwin County, Alabama, and over the age of twenty-one years.

SECOND: That Complainant and Respondent were married on February 12, 1931 in Pascagoula, Mississippi, and lived together as husband and wife until, to-wit, December 5, 1948, at which time the Respondent voluntarily abandoned the bed and board of Complainant without lawful cause or good excuse and since that time has continuously remained away and Complainant and Respondent have not since said date lived together as husband and wife.

THIRD: Of the said union of Complainant and Respondent, three children were born, to-wit: Marcella Grass, aged fourteen years; Andrew Grass, Jr., aged twelve years and Flora Grass, aged twelve years, all of whom reside in Baldwin County, Alabama, with Complainant.

FOURTH: Complainant will further show that the parties to this proceeding have entered into an agreement covering the custody of said children; alimony pendente lite and permanent, and counsel fees to be paid in this proceeding. Said contract further provides that if and when any final decree is rendered in this proceeding, said contract and agreement, in all of its terms, shall be embodied in and constitute a part of said final decree.

THE PREMISES CONSIDERED, your Complainant prays that your Honor will assume jurisdiction of this cause and that by proper process of this Court the said Andrew Grass be made a Respondent to this proceedings, and that the said Respondent be required to plead, answer or demur to this Bill of Complaint within the time allowed by law for pleading, and that upon a final hearing of this cause, your Honor will make and enter a decree forever dissolving the bonds of matrimony heretofore existing between Complainant and Respondent; that the custody of said children heretofore named be awarded to the Complainant under the terms of the heretofore mentioned agreement and that such further orders or decrees be rendered herein as to your Honor may seem meet and proper and your Complainant will ever pray, etc.



Solicitor for Complainant

720 2404

RECORDED

MARCELLA HAYES GRASS,
Complainant

vs

ANDREW GRASS,
Respondent

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BILL OF COMPLAINT

o o o o o o o o o o

FILED

DEC 16 1949

ALICE J. DUCK, Register

*Filed 12-16-49
Alice J. Duck
Register*

MARCELLA HAYES GRASS,
Complainant

vs

ANDREW GRASS,
Respondent

No.
E Q U I T Y

CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA:

Comes ANDREW GRASS, Respondent in the above styled cause, and for answer to the Bill of Complaint says he denies each allegation of same.

Respondent hereby waives notice of demand for oral examination of Complainant's witnesses; of the issue of commission to take testimony; of the time and place set for taking same and of the right to introduce evidence in his own behalf. He further agrees that this cause may be submitted for final decree at any time on the pleading and Complainant's evidence as noted by the Register.

Andrew Grass
Respondent.

Before me, the undersigned Notary, personally appeared ANDREW GRASS, who is known to me to be the Respondent above named and who acknowledged that he executed the foregoing answer voluntarily with knowledge of its contents.

Witness my hand and official seal this the 15th day of December, 1949.

Elliot L. Rintey

Notary Public, Baldwin County, Alabama.

No 2404

RECORDED

MARCELLA HAYES GRASS,
Complainant

VS

ANDREW GRASS
Respondent

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ANSWER AND WAIVER

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Filed 12-16-49
Arlene French
Registrar

MARCELLA HAYES GRASS,
Complainant

EQUITY No. 2404

vs

CIRCUIT COURT OF

ANDREW H. GRASS,
Respondent

BALDWIN COUNTY, ALABAMA

To

HONORABLE TELFAIR J. MASHBURN, JR., JUDGE OF THE
CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA: IN EQUITY

Comes ANDREW H. GRASS, Respondent in the above styled cause and prays that that part of the decree of divorce in this cause rendered December 16, 1949 relating to the custody of the three children of the marriage be amended as hereinafter set out and in support of said prayers shows:

FIRST: That while the provision in the decree as to the custody of said children was based on an agreement voluntarily made by the parties and by dividing the custody of the children between the two parties, sought to continue the pleasant relations existing between parent and child, the good faith essential to its success has not been manifested by Complainant so that the best interests of the children are not protected; Wherefore Petitioner prays for a modification of said decree as follows:

One: That the sole custody of Andrew James Grass, the son of the parties, who with Complainant's consent has been living with Petitioner since last February and until the commencement of the school term August 27 last, be vested solely in Petitioner subject to the rights of Complainant to have said child visit her at reasonable hours. This being the earnest desire of said son who is devoted to and congenial with his father.

Two: That the custody of Marcella Marie and Flora Erdine Grass continue with Complainant under the conditions provided by the decree of divorce.

Three: Petitioner is a steady, hard-working man, a skilled mechanic long employed by one of the leading automobile dealers in Fairhope and is a man of sober habits well regarded in the community and in all respects a desirable parent for a growing boy; that it will be to the said son's best interests that he continue with and be

brought up under such paternal guardianship.

THE PREMISES CONSIDERED, The Defendant prays that a day be set for hearing this petition of which notice be given Marcella Hayes Grass together with a copy of this petition and at which time this said petition may be heard and considered and upon such hearing an order be made amending the original decree aforesaid and granting to Petitioner the entire custody of his son.

Andrew Grass
Petitioner

Subscribed and sworn to before me this the 15th day of September, 1951.

Elliott L. Rinsley
Notary Public, State of Alabama at Large.

MARCELLA HAYES GRASS,
Complainant
vs
ANDREW H. GRASS,
Respondent

EQUITY NO. 2404
CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

This day came ANDREW H. GRASS, and filed herewith his verified petition praying that Marcella Hayes Grass be required to appear and show cause, if any she have, why the custody of Andrew James Grass should not be delivered to Petitioner; and upon consideration of said petition it is ordered by the Court that a copy of said petition be served upon Marcella H. Grass notifying her to appear at the hearing of said petition in the Court room of the Circuit Court of Baldwin County, on Thursday, September 20, 1951 at three p.m. then and there to show cause, if any she have, why the prayer of said Petition should not be granted.

Done at Bay Minette, Alabama this the 17th day of September, 1951.

Judge.

EQUITY No. 2404

MARCELLA HAYES GRASS,
Complainant

vs.

ANDREW H. GRASS,
Respondent

PETITION FOR CUSTODY OF SON

RECORDED

FILED

SEP 17 1951

ALICE L. DUCH, Clerk

MARCELLA HAYES GRASS,
Complainant

vs

ANDREW GRASS,
Respondent

E Q U I T Y
IN THE CIRCUIT COURT
OF BALDWIN COUNTY, ALABAMA

MEMORANDUM OF AGREEMENT BETWEEN PARTIES

WHEREAS MARCELLA HAYES GRASS has instituted proceedings for divorce against ANDREW GRASS, and the parties have children, whose welfare is paramount, they have entered into this agreement, the provisions of which they pray the Court to embody in any decree of divorce that may be rendered.

FIRST: Both parties agree that their respective interests in the dwelling on the East side of School Street between Fairhope and Morphy Avenues in the Town of Fairhope and consisting of the Fairhope Single Tax Colony lease and improvements thereon on a part of Lot 9 in Block 21, Division 4 of the Fairhope Single Tax Corporation lands being vested absolutely in the three children of the marriage, namely; Marcella Marie, Andrew James and Flora Erdine in equal shares, to be used and occupied by them as a home, subject, however, to the right of Complainant to reside therein as long as she remains unmarried. Said property is more particularly described in a conveyance executed by Walter R. Anacker and Emma Lee Anacker, his wife, to Marcella Grass, dated January 8, 1949 and recorded in Deed Book 138, page 58 of the Probate Records of Baldwin County.

SECOND: For the support and maintenance of the three children of the marriage, Respondent will pay to Complainant the sum of \$25.00 per week to be expended upon the maintenance, clothing and support of their three children and the payment for all of their expenses, including public utilities, Colony rent, taxes and insurance.

THIRD: Respondent will also pay for such medical, dental and optical services as may be necessary for any of said children; for their school fees, books and school equipment and in the event of serious illness of any child, for such necessary medical, nursing care and hospitalization as may then be required.

MARCELLA HAYES GRASS,
Complainant

vs

ANDREW GRASS,
Respondent

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AGREEMENT OF PARTIES

o o o o o o o o o o o o o

FOURTH: The care and custody of the three children shall be vested in the Complainant for the months of September to May, inclusive. For the three months of summer, June, July and August, and while said children are not in school, they shall be in the care and custody of Respondent.

FIFTH: Respondent to have the right to visit and be with his children at reasonable hours and ^{by agreement} to have them visit him on week ends and holidays during the months they are in the custody of the mother, but not to visit them at their home. During the three months of the year when the children are with the father, the mother shall have the like rights of visiting and companionship with said children but is not to see them in the then residence of their father.

SIXTH: The foregoing is in lieu of all alimony, both temporary and permanent, but Respondent is to pay forthwith the sum of \$60.00 towards compensation of Complainant's Solicitor and the costs of this cause.

SEVENTH: The Court retains control of this case during the minority of the children of the marriage and the right to make such other or further orders as appear to the best interests of the said children.

Executed at Fairhope, Alabama, this the fifteenth day of December, Nineteen Hundred Forty-nine.

Marcella Hayes Grass

Andrew Grass

Executed in the presence of:

H. H. Burr

Elliott S. Rusk

Fairhope, Ala. December 16 1949

Received from Mrs Alice J Duck, Register
Sixty Dollars

Solicitors fee in case no 2404, Grass v Grass.

\$60⁰⁰

H. A. Burre

Fairhope, Ala. Dec 16 1949

Received from Mrs Alice J Duck Register
Seven and 5/100 Dollars

Commissioner's fee in case no 2404, Grass v Grass.

\$7⁵⁰

Helen B. Baugh