

AMENDMENT TO BILL OF COMPLAINT

EVELYN HANAK

COMPLAINANT

VS

LUKE HANAK

RESPONDENT

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

Comes now the Complainant in the above styled cause and amends so much of Section Six of her complaint as reads as follows:

"A farm described as Northwest quarter of Northwest quarter of Section 15, Township 6 South, Range 3 East, Baldwin County, Alabama, which was purchased the 23rd day of March, 1949, from Alois Hanak and Cecelia Hanak, the deed to which is recorded in Deed Book 139, page 371, Baldwin County records; that this farm is in the opinion of your Complainant worth \$6000.00", by striking it and substituting therefor:

"A farm described as East half of Northeast quarter of the Southwest quarter and West half of Northwest quarter of the Southeast quarter of Section 34, Township 5 South, Range 3 East, Baldwin County, Alabama, which was purchased May 19, 1952, from Margaret Gates and Amon M. Gates, the deed to which is recorded in Deed Book 182, page 391, in the office of the Judge of Probate of Baldwin County, Alabama. This farm is, in the opinion of your Complainant, worth \$6000.00.

Walters & Brantley

By:

Albert M. Brantley
Attorney for Complainant

! One Cow!
400 chickens - ten now

Radios - and tables - etc
Lost on chickens
Bought Feed
Furn Corn.
" Oats

Had 40⁰⁰
Tractor.
House. Remodeled -
No equipment

Feed for Chick
~~4149~~ 4149⁰⁰ =
5 checks for 1491⁵⁰
for chick

7 checks - 1458.35
Chick feed (corn). 700.00
Corn (Wigstrom farm)

He has old furniture - dresser - no bed - no chair -
no kitchen equipment

He has jewelry and (did not have when married)
- Luke ← → - Luke -

Had 40⁰⁰ - All equipment -
1952. Bought 40⁰⁰ - Furniture - Repairs

House 600⁰⁰
Septic 60⁰⁰
Pump - 150⁰⁰
Butane 150⁰⁰

→ Smart ←
Divorce
Furn
Farms
Chit
→ Cook ←
1/2 Insurance

Joe Swoboda Home before 3000⁰⁰ - after 6000⁰⁰
Wigstrom - 4000⁰⁰
Mrs ^{Millic} Joe Swoboda. ↔
Mrs Gertie Drorak. ↔

4000⁰⁰
1250⁰⁰
B.R.
Reforg
Stove

Had 8000⁰⁰ when married -
His new 500⁰⁰ = C.R.B. Panhop 200⁰⁰ - 800⁰⁰
2000⁰⁰ in Cash to-day -

Pur. Gates place (Wigston). 2 yrs ago. (Deed). 40⁰⁰
Truck. A-C

1 Car - 1 Calf -

1 Car - 1 Calf sold. 1500?

300 chix. 1⁰⁰ each

She sold 100 - chix 1⁰⁰ each.

He has now 300 chix

He has 1 lot 1 Car - has when running

Improvement - on barn

on house - in - out - re-wired -

the barn washer.

1 pump -

butane system -

Septic tank -

Complet

Pain - New number Road

Refrig - gas stove - (butane)

Kitchen out fit -

1 to paint -

Pain - 40⁰⁰

Coff table 8⁰⁰

New milk 150

Radio 35

New iron bed 10

" " 10

Studio Couch 3

Ork Surtis 10

Refrig 20

Stove - gas 5

Kit set 5

Washer. 10

Cabinet arm 10

Kit sum. 2

Pump - ?

Butane ?

Septic

3 operations - 2 Allen Memorial

1 Jordan Clinic

1 - 300⁰⁰

1 - 200⁰⁰

1 - 100⁰⁰

\$2000⁰⁰

The house 2 cars

1 to fur -

1 to chix etc

Cook 1500⁰⁰

1950 date - 1400⁰⁰

Chix - they paid -

10⁰⁰ - 1200 chix

have pain
\$4600⁰⁰ paid for

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

EVELYN HANAK

Complainant,

VS.

LUKE HANAK,

Respondent.

This cause coming on to be heard is submitted upon the pleadings of the respective parties and the testimony of witnesses taken in open Court, and after due consideration of all, the Court is of the opinion that the Respondent is entitled to a divorce as prayed for in his cross bill.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the bonds of matrimony heretofore existing between the complainant and the respondent be, and they are forever hereby dissolved, and that the said Luke Hanak is forever divorced from the said Evelyn Hanak for and on account of cruelty.

The Court, after due consideration relative to personal property belonging to the Complainant and the Respondent, is of the opinion that the Complainant, Evelyn Hanak, is entitled to the following personal property, to-wit: 1 cow, approximately 400 chickens, 1 piano, one coffee table, one sewing machine, one radio, one bed room suit, one studio couch, one dining room suit and one washing machine.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the Complainant is the owner of and entitled to the possession of the said personal property herein described; and that the Respondent, Luke Hanak, is entitled to all of the other personal

property located in the home place, or upon the property of the said Luke Hanak.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that in lieu of all alimony, the Respondent, Luke Hanak, pay into the hands of the Complainant, Evelyn Hanak, the sum of TWELVE HUNDRED FIFTY AND 00/100 (\$1250.00) DOLLARS.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Complainant, Evelyn Hanak, is the owner of one DeSoto automobile claimed by her, and that the Respondent, Luke Hanak, is the owner of the pick-up truck and the automobile located on said property, and in the possession of the said Luke Hanak.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Complainant, Evelyn Hanak, forthwith move all of the property hereinabove decreed to belong to her from the premises belonging to the Respondent, Luke Hanak, and where it is now located, and further that she shall have a period of fifteen (15) days from the date hereof in which to move said property.

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

This 8th day of June, 1954.

Hubert M. Hale
Judge of the 28th Judicial Circuit
of Alabama.

FILED
JUN 8 1954
ALICE J. DUCK, Register

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|--------------|---|-------------------------|
| EVELYN HANAK |) | |
| Complainant |) | IN THE CIRCUIT COURT OF |
| VS. |) | BALDWIN COUNTY, ALABAMA |
| LUKE HANAK, |) | IN EQUITY NO. 3180 |
| Respondent. |) | |

DIVORCE DECREE

This cause coming on to be heard is submitted upon the pleadings of the respective parties and the testimony of witnesses taken in open Court, and after due consideration of all, the Court is of the opinion that the Respondent is entitled to a divorce as prayed for in his cross bill.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the bonds of matrimony heretofore existing between the complainant and the respondent be, and they are forever hereby dissolved, and that the said Luke Hanak is forever divorced from the said Evelyn Hanak for and on account of cruelty.

The Court, after due consideration relative to personal property belonging to the Complainant and the Respondent, is of the opinion that the Complainant, Evelyn Hanak, is entitled to the following personal property, to-wit: 1 cow, approximately 400 chickens, 1 piano, one coffee table, one sewing machine, one radio, one bed room suit, one studio couch, one dining room suit and one washing machine.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the Complainant is the owner of and entitled to the possession of the said personal property herein described; and that the Respondent, Luke Hanak, is entitled to all of the other personal property located in the home place, or upon the property of the said Luke Hanak.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that in lieu of all alimony, the Respondent, Luke Hanak, pay into the hands of the Complainant, Evelyn Hanak, the sum of TWELVE HUNDRED FIFTY AND 00/100 (\$1250.00) DOLLARS.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Complainant, Evelyn Hanak, is the owner of one DeSoto automobile claimed by her, and that the Respondent, Luke Hanak, is the owner of the pick-up truck the automobile located on said property, and in the possession of the said L Hanak.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Complainant, Evelyn Hanak, forthwith move all of the property hereinabove decreed to belong to her from the premises belonging to the Respondent, Luke Hanak, and where it is now located, and further that she shall have a period of fifteen (15) days from the date hereof in which to move said property.

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 Luke Hanak, the Respondent, pay the costs herein to be taxed, for which execution may issue.

This 8th day of June, 1954.

HUBERT M. HALL
Judge of the 28th Judicial Circuit
of Alabama

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summons LUKE HANAK to appear and plead, answer or demur within thirty days from the service hereof to the bill of complaint filed in the Circuit Court of Baldwin County, Alabama, in Equity by EVELYN HANAK as Complainant and against LUKE HANAK, as Respondent.

WITNESS my hand this the 14th day of January, 1954.

W. J. French
Register

EVELYN HANAK

COMPLAINANT

VS

LUKE HANAK

RESPONDENT

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

TO HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA, IN EQUITY:

Your Complainant, in the above styled cause, respectfully represents
unto Your Honor and this Honorable Court as follows:

1.

That your Complainant and the Respondent are both over the age of twenty-one years and are bona fide residents citizens of Baldwin County, Alabama, and have so been for more than two years next preceding the time of the filing of this bill of complaint.

2.

That the Complainant and Respondent are man and wife and were married to one another on to-wit, July 25, 1949, at Lucedale, Mississippi.

3.

That on to-wit, November 1, 1953, and on various occasions prior thereto The Respondent struck, hit and beat the Complainant which endangered her life and health and from the conduct of the Respondent, your Complainant has every reasonable apprehension to believe that if she continues to live with the Respondent he will do further actual violence on her person which would endanger her life and health.

4.

That at the time your Complainant and Respondent married, the Respondent owned a house, a forty acre farm and an old model tractor.

5.

That during this marriage, the Complainant in addition to doing the house work raised on an average of twelve hundred chickens and used the money derived therefrom to clothe and feed the entire family; that in addition to this work your Complainant has sold kitchen ware and done various public jobs to help support the family.

6.

That during this marriage your Complainant and Respondent have acquired and improved the property hereinafter listed. A farm described as Northwest quarter of the Northwest quarter of Section 15, Township 6 South, Range 3 East, Baldwin County, Alabama, which was purchased the 23rd day of March, 1949, from Alois Hanak and Cecelia Hanak, the deed to which is recorded in Deed Book 139, page 371, Baldwin County Records. This farm is in the opinion of your Complainant worth Six Thousand (\$6000.00) Dollars. The Complainant and Respondent have acquired a late model tractor, worth One Thousand (\$1000.00) Dollars, nine hundred chickens worth Nine Hundred (\$900.00) Dollars, two cows worth Two Hundred (\$200.00) Dollars, a 1949 Chevrolet automobile worth Six Hundred (\$600.00) Dollars.

The barn on the home place has been remodeled and improved Three Hundred (\$300.00) Dollars worth. The house has been remodeled, a bath room built, one room added, asbestos siding put on the house, the house painted, cabinet work put in, a sink installed, and the house rewired, an automatic washer installed, a pump installed, a butane system put in, and a septic tank put in. The improvements on the house have increased its value Three Thousand (\$3000.00) Dollars. They have purchased the following household goods, a piano, coffee table, sewing machine, radio, three bed room suits, a dining room suit, a refrigerator, a gas stove and a kitchen table set.

7.

That the Respondent owns a part interest in a combine with his parents the value of which is unknown to the Respondent.

8.

That the Respondent is a young able bodied man fully capable physically and financially to care for the Complainant; that the Complainant has had two major operations during the last few years and is unable to continue doing hard and heavy work.

WHEREFORE, the premises considered, your Complainant prays that your Honor will by proper process make the said Luke Hanak party Respondent to this cause requiring him to plead, answer or demur to the same within the time and under the penalties prescribed by law.

You Complainant further prays that upon a final hearing hereof your Honor will give and grant to her an absolute decree of divorce forever barring the bonds of matrimony existing between her and the Respondent; that your Honor will ascertain and fix what to your Honor seems just and proper as permanent alimony; that your Honor will ascertain and determine the interest of your Complainant in and to the property acquired through the joint efforts of your Complainant and the Respondent and establish a lien against the said property for the payment of any amount or amounts found to be due thereunder by the Respondent to the Complainant; in the alternative your Complainant prays that Your Honor will declare the property accumulated by the Complainant and Respondent during their marriage to be the joint property of the Complainant and Respondent and by appropriate decree order the Register of this court to sell the same for partition of the proceeds therefrom.

Your Complainant prays for such, other, further, different or general relief to which she may be in equity and good conscience entitled to receive.

WILTERS & BRANTLEY

by Albert M. Brantley
Solicitor for the Complainant

Received in Sheriff's Office
this 14 day of Jan, 1954
TAYLOR WILKINS, Sheriff

703180

Received _____ day of _____ 19____
and on 23 day of Jan 1954
I served a copy of the within
on _____

By service on Luke Hanak

TAYLOR WILKINS, Sheriff
By Blanche Steadman D.S.

EVELYN HANAK
VS
LUKE HANAK
COMPLAINANT
RESPONDENT

SUMMONS AND COMPLAINT

FILED
JAN 14 1954

AUG 1. DECK, Register

of the proceeds received.

Your Complaintant seeks for such other relief as may be deemed proper.

Relief is sought for the same as hereinbefore stated.

Blanche Steadman
D.S.

EVELYN HANAK

COMPLAINANT

VS

LUKE HANAK

RESPONDENT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY

NO. 3180

ANSWER TO CROSS BILL

Comes now Evelyn Hanak, the Complainant in the above styled cause and for answer to the Respondent's Cross Bill filed in said cause says:

1.

She admits the allegations contained in Section 1 of the Respondent's Cross Bill.

2.

She admits the allegations contained in Section 2 of the Respondent's Cross Bill.

3.

She denies the allegations contained in Section 3 of the Respondent's Cross Bill.

4.

She denies the allegations contained in Section 4 of the Respondent's Cross Bill.

5.

For answer to Section 5 of the Respondent's cross Bill your Complainant admits that the Respondent acquired property during their marriage but says that this property was purchased with money earned by the joint efforts of the Complainant and Respondent.

Wilters & Brantley

BY:

Robert M Brantley
Solicitor for the Complainant

EVELYN HANAK

COMPLAINANT

VS

LUKE HANAK

RESPONDENT

ANSWER TO CROSS BILL

FILED
MAY 7 1954
ALICE J. DUCK, Register

Handwritten signature

EVELYN HANAK

COMPLAINANT

VS

LUKE HANAK

RESPONDENT

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

DEMURRER

Comes now the Respondent in the above styled cause, by his Solicitor, and demurs to the Bill of Complaint heretofore filed in said cause by the Complainant and ~~xxx~~ ^{as} grounds of said demurrer says:

1. There is no equity in the bill.
2. Bill does not allege grounds for divorce.

Julius A. Mashburn Jr.
Solicitor for Respondent

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

NO. 3180

EVELYN HANAK,

Complainant,

Vs.

LUKE HANAK,

Respondent.

DEMURRER.

FILED

FEB 3 1954

ALICE J. BUCK, Register

| | | |
|---------------|---|--------------------------|
| EVELYN HANAK, | 0 | IN THE CIRCUIT COURT OF |
| | 0 | |
| Complainant, | 0 | BALDWIN COUNTY, ALABAMA. |
| | 0 | |
| VS. | 0 | IN EQUITY |
| | 0 | |
| LUKE HANAK, | 0 | NO. _____ |
| | 0 | |
| Respondent. | 0 | |

ANSWER AND CROSS-BILL.

Comes now LUKE HANAK, the respondent in the above styled cause, and for answer to the complaint heretofore filed in said cause, says:

1.

He admits the allegations contained in paragraph 1 of said Bill of Complaint.

2.

He admits the allegations contained in paragraph 2 of said Bill of Complaint.

3.

He denies most emphatically the allegations contained in paragraph 3 of said Bill of Complaint, and demands strict proof of the same.

4.

He admits the allegations contained in paragraph 4 of said Bill of Complaint.

5.

He admits the allegations of paragraph 5 to this extent: that Complainant did raise chickens each year, but he says that he bought the chickens and furnished the feed and other necessaries for said chickens and that the complainant, instead of using the money therefrom to buy food and clothing for the respondent, spent said money for her own purposes and never repaid him the amounts he had expended; he says further that she only worked outside at the times of the year when he really needed her at home and that she used the money she made outside the home for her own purposes.

6.

He admits the allegations of paragraph 6 of said bill of complaint, but says that the various items were purchased and paid for

by the respondent with his own individual funds and that the complainant paid no part of the purchase price of said items.

8.

The respondent admits that he is young and able-bodied, but denies that he is financially capable of caring for the complainant; he admits that the complainant has had two major operations since their marriage, but has no knowledge of her ability to work, and, therefore, can neither affirm nor deny this allegation, but demands strict proof thereof.

And now, having answered the allegations of the bill filed in this cause by EVELYN HANAK, RESPONDENT prays that this, his answer, be made and taken as a cross-bill and, thereupon complaining, he avers

1.

That he is over the age of twenty-one years and is a bona fide resident citizen of Baldwin County, Alabama, and has been such for more than two years next preceding the filing of the bill of complaint in this cause; that EVELYN HANAK is over the age of twenty-one years and is a bona fide resident citizen of Baldwin County, Alabama.

2.

That on, to-wit: July 25, 1949, he intermarried with the complainant and cross-respondent at Lucedale, Mississippi.

3.

That on, to-wit: November 1, 1953, and on various occasions prior thereto, the complainant and cross-respondent hit and struck your respondent and cross-complainant and threatened to kill him and have him reasonable apprehension to believe, and he does believe, that, if he continues to live with her as her husband, she will do him further bodily harm which will necessarily endanger his life or health.

4.

That the complainant and cross-respondent has some property of her own which she has expended as suited her fancy; that within the past twelve to eighteen months she has traded automobiles three times; that last Summer she took an extended vacation in the East being gone for several months; that she has refused to stay at home and help your respondent and cross-complainant at the times when he

most needed her help and assistance, i. e. during harvesting seasons; and that she used such money as she earned in the manner that suited her and none of it was spent for the benefit of your respondent and cross-complainant;

5.

That your respondent and cross-complainant has acquired certain property during this marriage, but that such property was acquired with his own private funds and that none of the complainant's and cross-respondent's was used to pay any part of the purchase price of the said properties.

WHEREFORE, THE PREMISES CONSIDERED, your Respondent and Cross-complainant makes the said EVELYN HANAK respondent to this her cross-bill, and prays that the process of this Court may be directed to him according to law, commanding him to appear in this cause within the time and in the manner required by law and the rules of this Honorable Court, and plead, answer, or demur to this her bill of complaint.

Your respondent and cross-complainant further prays that on a final hearing of this cause your Honor will make and enter a decree granting to him an absolute divorce from the said EVELYN HANAK, and relieving him from all further responsibility for her support and maintenance; and your respondent and cross-complainant prays for such other, further or general relief as he may, in equity and good conscience, be entitled to receive, and, as in duty bound, he will ever pray, etc.

Julius A. Madaleno Jr.
Solicitor for Respondent and Cross-complainant.

I hereby certify that I have mailed a copy of the above and foregoing to Wilters & Brantley at Bay Minette, Alabama, in properly addressed and stamped envelope.

Julius A. Madaleno Jr.
Solicitor for Respondent and Cross-complainant.

BALDWIN COUNTY, ALABAMA.

IN EQUITY.

NO. 3180

EVELYN HANAK,

Complainant
and cross-respondent,

VS.

LUKE HANAK,

Respondent
and cross-complainant.

ANSWER AND CROSS-BILL.

FILED

MAY 3 1954

ALICE J. BOCK, Register

EVELYN HANAK

COMPLAINANT

VS

LUKE HANAK

RESPONDENT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

Comes now the Complainant in the above styled cause and amends

Section 3 of her complaint to read as follows:

3.

That on to-wit, November 1, 1953, and on various occasions prior thereto the Respondent struck, hit and beat the Complainant by striking her with his fist on her head and about her body, which endangered her life and health and from the conduct of the Respondent, your Complainant has every reasonable apprehension to believe that if she continues to live with the Respondent he will do further actual violence on her person which would endanger her life and health.

Walters & Brantley

BY:

Alfred M Brantley
Solicitor for the Complainant

EVELYN HANAK

COMPLAINANT

VS

LUKE HANAK

RESPONDENT

AMENDED COMPLAINT

FILED

APR 7 1954

ANGEL J. DUCK, Register