

(3185)

DIVORCE DECREE

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The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

Rose Marie Koehler, Complainant

vs.

Marshall Koehler, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Answer, Agreement,~~ taken orally in open Court and Testimony ~~and upon consideration thereof,~~ 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 Rose Marie Koehler is forever divorced from the said Marshall Koehler for and on account of

Cruelty

It is hereby ordered, adjudged and decreed by the Court that the agreement filed by the parties in said cause is hereby approved by the Court and that the said Rose Marie Koehler shall have the full care, custody and control of Jean Kay Koehler, the daughter of said parties and the said Marshall Koehler shall pay her the sum of \$25.00 a month beginning February 1, 1954, as support for such minor, and the same amount on the first day of each month thereafter. It is further ordered, adjudged and decreed by the Court that Marshall Koehler shall have the full care, custody and control of John P. Koehler, the son of said parties. Either party shall have the right to visit the child in the custody of the other at reasonable times.

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 Marshall Koehler

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

This 21<sup>st</sup> day of January, 1954

Hubert M. Hae  
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.

No. \_\_\_\_\_ Page \_\_\_\_\_

The State of Alabama  
Baldwin County

In Circuit Court, In Equity

Rose Marie Koehler  
Complainant

vs.

Marshall Koehler  
Respondent

**DIVORCE DECREE**

FILED

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NICK A. DICK, Register

STATE OF ALABAMA )  
BALDWIN COUNTY )

IN THE CIRCUIT COURT - IN EQUITY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Marshall Koehler 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 Rose Marie Koehler, as Complainant, against Marshall Koehler, as Respondent.

Witness my hand this 21<sup>st</sup> day of January, 1954.

Reese J. Smith  
Register.

ROSE MARIE KOEHLER,	I	
Complainant,	I	IN THE CIRCUIT COURT OF
vs.	I	BALDWIN COUNTY, ALABAMA
MARSHALL KOEHLER,	I	IN EQUITY
Respondent.	I	

Comes your Complainant, Rose Marie Koehler, and files this her Bill of Complaint for Divorce against Marshall Koehler and shows unto this Court and unto your Honor as follows:

FIRST:

That your Complainant and the Respondent are both over the age of twenty-one years and are resident citizens of Robertsedale, Baldwin County, Alabama; that your Complainant has resided in Robertsedale for the last six years and the Respondent has been a resident citizen of Baldwin County for the last twenty years.

SECOND:

That your Complainant and the Respondent married on November 20, 1947, and they lived together as man and wife until January 4, 1954, when your Complainant, because of the matters hereinafter complained of, was compelled to leave the Respondent and live separate and apart from him. That on January 4, 1954, the Respondent committed actual violence on the person of your Complainant attended with danger to her life and health by twisting her arm; that from the conduct of such Respondent your Complainant had reasonable apprehension that if she continued to live with such Respondent that her life or health would be in danger. That the Complainant and the Respondent have not lived together as man and wife since January 4, 1954.

THIRD:

That there were born to your Complainant and the Respondent two children, John P. Koehler, a son four years of age, and Jean Kay Koehler, a daughter who is now eleven months of age. That such daughter is now living with your Complainant and such son is now living with the Respondent; that your Complainant is a fit and proper

person to have the care, custody and control of the said Jean Kay Koehler and the Respondent is a fit and proper person to have the care, custody and control of the said John P. Koehler.

FOURTH:

That your Complainant is able to maintain and support herself but she is not able to maintain and support her daughter without a contribution from the Respondent for such support; that such Respondent should pay your Complainant for the support and maintenance of the said Jean Kay Koehler the sum of twenty-five dollars (\$25.00) a month which amount should be increased in later years as the child gets older. That your Complainant and the Respondent have entered into an agreement pertaining to the custody of said minor children and the amount to be paid by the Respondent to the Complainant for the support and maintenance of their daughter and your Complainant files herewith the original of such agreement.

PRAYER FOR PROCESS AND RELIEF:

The premises considered, your Complainant prays that the above named Marshall Koehler be made a party Defendant to this cause by the usual writ or process of this Honorable Court requiring him to appear and plead, answer or demur within the time and under the penalties prescribed by the rules of this court and the Statutes in such cases made and provided; that upon a final hearing of this cause that your Honor will grant unto your Complainant an absolute divorce from said Respondent; that your Honor will order and decree that your Complainant shall have the full care, custody and control of her daughter, Jean Kay Koehler, and shall order that the Respondent pay your Complainant the sum of twenty-five dollars (\$25.00) a month for the maintenance and support of such minor; that your Honor will order and decree that the Respondent shall have the full care, custody and control for their son, John P. Koehler; that your Honor will also order and decree that each parent shall have the right to visit the child in the custody of the other at reasonable and proper times; that your Honor will also approve the agreement entered into between the parties which agreement has been filed in said cause; that your Honor will also decree that the parties be allowed to remarry if they see fit. Should your Complainant be mistaken in the relief prayed for, that there be granted to her such other, further, and different

relief to which she may be entitled and as in duty bound she will  
ever pray.

Rose Maria Hoehler  
Complainant.

CHASON & STONE

By: [Signature]  
Solicitors for Complainant.

STATE OF ALABAMA

BALDWIN COUNTY

WHEREAS, Rose Marie Koehler has this day filed her suit for divorce against Marshall Koehler in the Circuit Court of Baldwin County, Alabama, In Equity, and the parties desire to enter into this stipulation in regard to the custody of their minor children and in regard to the payment of support for such minor children.

It is hereby agreed by and between Rose Marie Koehler and Marshall Koehler that upon the granting of such divorce by such Court, if such divorce is granted, that Rose Marie Koehler shall have the full care, custody and control of Jean Kay Koehler, who is eleven (11) months old and who is the daughter of said parties and that the said Marshall Koehler shall pay the said Rose Marie Koehler the sum of Twenty-five Dollars (\$25.00) a month beginning February 1, 1954, and the same amount on the first day of each month thereafter for the maintenance and support of such minor.

It is further agreed by and between the parties hereto that the said Marshall Koehler shall have the full care, custody and control of John P. Koehler, who is four (4) years of age and who is the Son of the parties to this agreement. Either party to this agreement shall have the right to visit the child in the custody of the other party at reasonable and proper times.

It is further agreed by and between the parties to this agreement that the said Rose Marie Koehler who formerly resided in Germany shall have the right to take the said Jean Kay Koehler to Germany with her on a visit without order from any Court and that the said Rose Marie Koehler shall leave an address with Marshall Koehler where he may send the money for support of such minor while she is in Germany.

It is further agreed by and between the parties to this agreement that the said Rose Marie Koehler shall not receive any

sum from Marshall Koehler as alimony or separate maintenance for herself.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals on this the 21st day of January, 1954.

Rose Maria Koehler (SEAL)

Marshall Koehler (SEAL)

Witness:

[Signature]



RECORDED *no 3186*

AGREEMENT

ROSE MARIE KOEHLER,  
Complainant,

vs.

MARSHALL KOEHLER,  
Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

Filed this 21st day of January,  
1954.

*Arice L. ...*  
Register.

ROSE MARIE KOEHLER,	I	
Complainant,	I	IN THE CIRCUIT COURT OF
vs.	I	BALDWIN COUNTY, ALABAMA
MARSHALL KOEHLER,	I	IN EQUITY
Respondent.	I	

Comes Marshall Koehler, the Respondent in the above styled cause, and accepts a copy of the Summons and Bill of Complaint filed in said cause and waives further service of same.

Respondent admits the allegations of the first paragraph of the Bill of Complaint.

Respondent admits the allegations of the second paragraph of the Bill of Complaint as to the time of marriage and separation of the parties but denies all of the other allegations of the second paragraph of the Bill of Complaint and demands strict proof thereof.

Respondent admits all of the allegations of the third paragraph of the Bill of Complaint.

Respondent admits the allegations of the fourth paragraph of the Bill of Complaint.

Respondent hereby waives notice of the taking of testimony in said cause and notice of submission of said cause for final decree and agrees that the testimony may be taken and the cause submitted without further notice to him.

Marshall Koehler  
Respondent.

Witness:

Reigel Ruck  
Register.

RECORDED

ANSWER AND WAIVER

ROSE MARIE KOEHLER,  
Complainant,

vs.

MARSHALL KOEHLER,  
Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

Filed this 21st day of January  
1954.

  
Register.

ROSE MARIE KOEHLER,  
Complainant,  
VS.  
MARSHALL KOEHLER,  
Respondent.

IN THE  
CIRCUIT COURT OF BALDWIN COUNTY,  
ALABAMA. IN EQUITY.  
January 21, 1954.

TESTIMONY TAKEN IN OPEN COURT BEFORE HON. HUBERT M. HALL, JUDGE  
OF THE 28th JUDICIAL CIRCUIT OF ALABAMA.

HON. JOHN CHASON, ATTORNEY, Representing the Complainant.

ROSE MARIE KOEHLER, THE COMPLAINANT, BEING FIRST DULY SWORN,  
TESTIFIED AS FOLLOWS:

Direct Examination by Mr. Chason.

Qm Is this Rose Marie Koehler?

A. Yes, sir.

Q. Are you the wife of Marshall Koehler?

A. Yes, sir.

Q. Are you and Marshall both over the age of 21 years?

A. Yes, sir.

Q. Both resident citizens of Baldwin County, Alabama, residing at  
Robertsdale?

A. Yes sir.

Q. Have you and Marshall lived at Robertsdale for more than six  
years?

A. Yes, sir.

Q. When did you and Marshall marry?

A. November 20, 1947.

Q. Have you lived together as man and wife since that time?

A. Yes, sir.

Q. On January 4, 1954, did Marshall commit an act of cruelty on  
you?

A. Yes, sir, he did.

Q. What did he do to you?

A. Twisted my arm and knocked me down.

Q. He twisted your arm and knocked you down?

A. Yes he did.

Q. Did you have reasonable apprehension if you continued to live with him that your life or health would be in danger?

A. I do.

Q. Did you leave him on January 4th., 1954?

A. I did.

Q. Have you lived with him as man and wife since that time?

A. No, I have not.

Q. Where did this act occur?

A. In my home.

Q. Was there anybody present other than you and Marshall?

A. No.

Q. Do you and Marshall have any children?

A. Two.

Q. What is the name of your son?

A. John P. Koehler.

Q. He is four years old?

A. Yes, sir.

Q. What is your daughter's name?

A. Jean Kay Koehler.

Q. How old is she?

A. 11 months old.

Q. Who is Jean Kay living with at this time?

A. Me.

Q. Is John P. Koehler, the son, living with Marshall, his father?

A. That is right.

Q. Are you a fit and proper person to have the care, custody and control of your daughter, Jean Kay?

A. I think I am.

Q. Do you think Marshall is a fit and proper person to have the care, control and custody of your son, John P. Koehler?

Q. You are not asking for any alimony or separate maintenance for yourself?

A. No.

Q. You do need some money for him to pay you to help support your daughter?

A. That is right.

Q. Do you think \$25.00 a month is reasonable for him to pay you for support of your daughter?

A. Yes, sir.

Q. You have signed an agreement with Marshall which you have filed in this cause in which you have agreed that he keep the four year old boy, John P. Koehler, and you keep the 11 month old daughter, Jean Kay Koehler?

A. Yes, sir.

Q. You have also indicated a desire to return to Germany?

A. Yes, sir.

Q. I believe you are a resident of Heidelberg, Germany - that you were a resident of Heidelberg Germany?

A. Yes I was.

Q. And you want to go back there on a visit?

A. Yes, sir.

Q. And you want to take your daughter, Jean Kay, with you?

A. Yes, sir.

Q. And in your agreement you filed, Marshall has agreed that you will be allowed to go back to Germany and take your daughter with you?

A. Yes, sir.

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I hereby certify that the foregoing is a true and correct transcript of the evidence as taken by me in open court, before Hon. Hubert M. Hall, Judge of said Court, on the 21st day of January, 1954.

This the 21st day of January, 1954.

Louise Dunsbury  
Official Court Reporter.

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FILED  
JAN 21 1954  
ALICE L. DUCK, Registrar