

(3271)

DIVORCE DECREE

Printed by Moore Printing Co.

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

Betty Jo Dixon, Complainant

vs.

J.C. Dixon, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Motion to Contest~~ on Answer and Waiver 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

Betty Jo Dixon is forever divorced from the said J.C. Dixon for and on account of

Respondent becoming addicted to habitual drunkenness after marriage with Complainant.

It is further ordered, adjudged and decreed that Betty Jo Dixon the Complainant, shall have the custody and control of the minor child Gerald Joe Dixon, born of said marriage.

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 Betty Jo Dixon the The Complainant pay the cost herein to be taxed, for which execution may issue.

This 8th day of September, 1954.

Hubert M. Ware

Judge Circuit Court, In Equity.

I, Alice J. Duck, 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 8th day of September, 1954

Alice J. Duck
Register of Circuit Court, In Equity.

No. _____ Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

In Circuit Court, In Equity

Betty Jo Dixon

Complainant

vs.

J.C. Dixon

Respondent

DIVORCE DECREE

FILED
SEP 8 1954
ALICE J. DUCK, Register

THE STATE OF ALABAMA

Baldwin County.

Circuit Court of Baldwin County, Alabama

(In Equity)

Betty Jo Dixon

Complainant

VS.

J.C. Dixon

Respondent

I, Grady P. Gilbert, Jr.as ~~Registered~~ Commissionerhave called and caused to come before me Betty Jo Dixon and Ben Kucera

witnesses named in the Requirement for Oral Examination, on the 4th day of September 1954, at the office of James A. Hendrix in Robertsdale, Alabama, and having first sworn said Witness es to speak the truth, the whole truth, and nothing but the truth, the said Betty Jo Dixon and Ben Kucera doth depose and say as follows:

My name is Betty Jo Dixon, I am over twenty-one years old and have lived here in Baldwin County, Alabama, all of my life. J.C. Dixon is over the age of twenty-one years and resides in Robertsdale, Alabama, however he is now in the Army at Fort Benning, Georgia. J.C. and I were married on June 16, 1951, at Pascagoula, Mississippi. After we were married J.C. started drinking real bad, sometimes he would stay gone for three or four days at a time and would come home drunk and very hard to get along with. He got to where he could not keep a good job on account of staying drunk so much; he finally got so bad that I could not stand it any longer so about the first of April of this year I had to leave him, and since that time and as a direct result of his drinking we have not lived together. We had one child, Gerald Joe Dixon, a boy, now about twenty months old and in the custody of the Complainant, Betty Jo Dixon, Complainant further states that she is a fit and suitable person to have the permanent custody and control of the said minor child.


Betty Jo Dixon

My name is Ben Kucera, I have lived herein Baldwin County, Alabama, for many years. I have known both Betty Jo and J.C. for a long time; both of them are over twenty-one years old and have lived herein Baldwin County all of their life. They were married sometime in June of 1951, at Pascagoula, Mississippi. After they were married J.C. began to drink a lot, and got in the habit of staying drunk most of the time; he was picked up a couple of months ago by the Military Police for being AWOL from the Army, and at that time he had been drunk several days, he got so bad about staying drunk that she finally had to just leave him. They had one child, a boy, now almost two years old, she is the kind of girl that will take good care of the child.


BEN Kucera

ORAL EXAMINATION.

I, Grady P. Gilbert, Jr., as ~~Register and~~ Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down by me in writing in the words of the witness^{es} and read over to them and they signed the same in the presence of myself Grady P. Gilbert, Jr.

at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness^{es} or had proom made before me of the identity of said witness^{es}; that I am not of counsel or of kin to any of the parties to said cause, or any manner interested in the result thereof

I enclose the said Oral Examination in an envelope to the Register of said Court.

Given under my hand and seal, this 7th day of September, 1954

Grady P. Gilbert, Jr. (L.S.)
Notary Public, Baldwin County, Ala.

NO. _____ PAGE _____

THE STATE OF ALABAMA

BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

Betty Jo Dixon

vs. Complainant

J.C. Dixon

Respondent.

Oral Deposition

Filed _____, 1954

FILED
Recorded in

SEP 18 1954

Record

Vol. _____ Page _____

_____ Register.

THE STATE OF ALABAMA,
BALDWIN COUNTY.

Circuit Court

TO: Grady P. Gilbert, Jr.

KNOW YE: That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do auth orize you, at such time and place as you may ap-
point, to call before you and examine Betty Jo Dixon and Ben Kucera

as witnesses in behalf of Betty Jo Dixon in a cause pending in our
Circuit Court in Baldwin County, of said State, wherein Betty Jo Dixon is

Complainant
and J.C. Dixon is

Respondent
on oath, to be by you administered, upon them
to take and certify the deposition of the witness.es and return the same to our Court, with all
convenient speed, under your hand.

Witness 4th day of Sept 1954

Register.

Commissioner's Fee, \$
Witness' Fees, \$

Betty Jo Dixon

vs.

J.C. Dixon

THE STATE OF ALABAMA

Baldwin County

IN EQUITY

Circuit Court of Baldwin County

This cause is submitted in behalf of Complaint upon the original Bill of Complaint, _____
Answer and Waiver, and testimony of Betty Jo Dixon and Ben Kucera as
set out in the Oral Deposition.

and in behalf of Defendant upon _____

James A. Hendrix

Alice J. Russell
Register.

No.

THE STATE OF ALABAMA

Baldwin County

IN EQUITY

Circuit Court of Baldwin County

Betty Jo Dixon

vs.

J.C. Dixon

NOTE OF TESTIMONY

Filed in Open Court this

day of **FILED**, 194.....

SEP 18 1954

Register.

Printed By **Baldwin Times**

BETTY JO DIXON,

COMPLAINANT,

VS

J. C. DIXON,

RESPONDENT.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY.

Now comes the Respondent, *by his attorney of record, C. Lewis Thompson* and accepts service of the summons

and complaint in this cause.

The Respondent admits the allegations as to ages and marriage and residence, but denies all other allegations contained in the bill of complaint, and demands strict proof of the same.

The Respondent waives notice of the time of taking of testimony on behalf of the Complainant; the right to cross-examine Complainant's witnesses; and agrees that this cause be submitted for final decree without further notice.

STATE OF ALABAMA

BALDWIN COUNTY

C. Lewis Thompson
Attorney for J. C. Dixon
I, James D. Hendrix, a Notary Public, in and for said County, in said State, hereby certify that *C. Lewis Thompson attorney for* J. C. Dixon, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 8 day of September, 1954.

James D. Hendrix
Notary Public, Baldwin County, Alabama.

FILED

9-8-54

ALICE L. DUCK, Register

FILED
SEP 8 1954
ALICE J. DUCK, Registrar

SUMMONS

Form 1531-3

McQuiddy Printing Co., Nashville, Tenn.

The State of Alabama, Baldwin County

IN CIRCUIT COURT, IN EQUITY

To any Sheriff of the State of Alabama—Greeting:

You are hereby commanded to summon J. C. Dixon

to appear and answer, plead, or demur, within thirty days from the service hereof, to a Bill of Complaint filed in said Circuit Court, in equity, for said County of said State by

Betty Jo Dixon

against J. C. Dixon

Herein fail not. Due return make of this writ as the law directs.

Witness this 9th day of June, 19 54

Wesley H. Henshaw, Register.

(Defendant is entitled to a copy of the bill on application to the Register.)

Code 1923-6528-6529

STATE OF ALABAMA, BALDWIN COUNTY

BETTY JO DIXON

Complainant,

vs.

J.C. DIXON

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY.

300K 015 PAGE 352

To the Honorable Judge of the Circuit Court of Baldwin County,

Sitting in Equity:

Comes now the Complainant, Betty JO Dixon, humbly complaining of the Respondent, J.C. Dixon, in a matter of divorce, and represents and shows unto your Honor as follows:

FIRST: That Complainant Betty JO Dixon is over the age of twenty-one years and is a resident of Baldwin County, Alabama, and has been a bona fide resident of said State and County for more than one year next preceeding the filing of this Bill of Complaint; that J.C. Dixon is over the age of twenty-one years and resides in Robertsdale, Alabama.

SECOND: That your Complainant and Respondent were lawfully married on or about, to-wit, June 16, 1951, at Pascagoula, Mississippi.

THIRD: Your Complainant avers and charges that the said Respondent has, since her marriage to him, become addicted to habitual drunkenness, and that said habit has continued to the filing of this Bill; and that due to the aforesaid habit and as a direct result thereof, the Complainant and Respondent have not lived as husband and wife for two or more months next preceeding the filing of this Bill.

FOURTH: That there was born to the union of the Complainant and Respondent one child, namely, Gerald JOe Dixon, a boy now about sixteen months old. That this child is now in the custody and control of the Complainant, its mother.

FIFTH: That the Respondent is and able bodied man, well able to provide for and maintain the said child born to the union of the Complainant and Respondent, in a manner suitable with his station in life; that the Complainant is now in a destitute condition and has no means of support for herself; that she has employed a solicitor and has no money to pay him for his services in this cause.

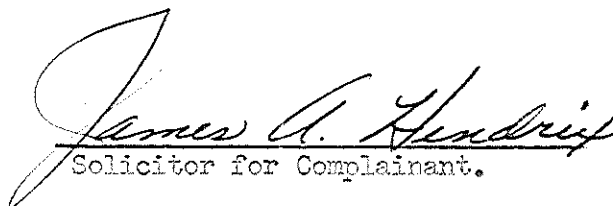
PRAYER FOR PROCESS

Wherefore the premises considered the Complainant prays that the Said J.C. Dixon be made party Respondent to this her Bill of Complaint and that a summons be issued and served upon him as required by law and the rules of this Honorable Court, and that he be required to plead, answer or demur to the within Bill of Complaint within the time and under the penalties prescribed by law and the rules of this Honorable Court.

PRAYER FOR FINAL RELIEF

The premises considered the Complainant prays that on a final hearing of this cause Your Honor will make and enter a decree forever dissolving the bonds of matrimony heretofore existing between the Complainant and Respondent, and will grant to the Complainant a full and absolute divorce from the Respondent, and that in and by virtue of the said decree the Complainant will be granted the right to again contract marriage. The Complainant prays that in and by virtue of the said decree she will be awarded the custody of the minor child born to the union of the said parties, subject to the further orders of this Honorable Court. The Complainant prays that Your Honor will award her an amount of permanent alimony, and also money with which to support and maintain the minor child born to the union of the said parties, and also money with which to pay her solicitor's fee in this cause, all to be paid by the Respondent to the Complainant.

Complainant prays all other further and general relief to which she may be entitled, the premises considered and she will ever pray, etc.


Solicitor for Complainant.

FILED

6-9-54

ALICE J. DUCK, Register

OFFICE OF THE STAFF JUDGE ADVOCATE
HEADQUARTERS, SPECIAL TROOPS COMMAND
Fort Benning, Georgia

21 July 1954

Mr. C. Le Noir Thompson
Attorney-at-law
Bay Minette, Alabama

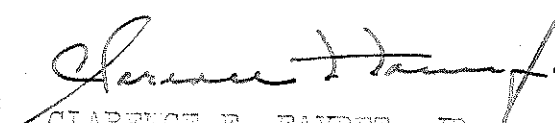
Dear Sir:

Enclosed you will find executed affidavits in the Case of Betty-Jo Dixon vs. J.C. Dixon. Through an administrative oversight, they were not enclosed with my original letter.

I am sorry that there has been such a delay.

Assuring you of our willingness to cooperate with you further in this matter, I remain,

Sincerely yours,


CLARENCE F. FAVRET, JR.
2nd Lt. Infantry
Ass't. Staff Judge Advocate

STATE OF GEORGIA

COUNTY OF Chattahoochee

Before me, the undersigned authority, personally appeared J. C. Dixon who being duly sworn deposes and says: That he is a member of the Armed Forces of the United States, recently moved to Fort Benning, Georgia, that he has been stationed with Headquarter Detachment 3420 FUS, Fort Bragg, N. C., that he desires to exercise his rights under the 1940 Code of Alabama as amended to permit him the statutory time therein as a member of the Armed Forces, in which to file an answer to the pending suit of Betty Jo Dixon vs J. C. Dixon in the Circuit Court of Baldwin County, Alabama, in Equity.

J C Dixon

Sworn to and subscribed before

me this the 8th day of July, 1954.

Clarence F. Navret, Jr.
CLARENCE F. NAVRET, JR. 2nd Lt Infantry

CLARENCE F. NAVRET, JR. 2nd Lt, Infantry

Commissioned officer of the United States Army and as such Notary Public ex-officio for the State of Georgia by authority of Title 11, Section 401, Code of Georgia.

FILED

7-23-54

ALICE J. DUCK, Register

-1 JUL 1954 10 14

3271

BETTY JO DIXON,

COMPLAINANT,

VS

JOSEPH C. DIXON,

RESPONDENT.

Affidavit of Military Service

C. LeNoir Thompson
Attorney At Law
Bay Minette, Alabama

FILED

JUL 23 1954

ALICE J. DUCK, Register

Before me the undersigned authority, personally appeared Joseph
 C. Dixon, who is known to me and who being duly sworn deposes and says:
 That his name is Joe Dixon, that he is in the armed service of
 the United States and is temporarily at Fort Benning, Georgia; that he
 was last assigned to Headquarter Detachment 3420 F.U.S., Fort Bragg, N.
 C., with the rank of Pvt 1/c1 and his serial number is 44103211.

Joe Dixon

Sworn to and subscribed before me
 this 29th day of July, 1954.

James H. Hain
 Title of Officer taking Execution.
1st Lt. Infantry
Assistant Adjutant

FILED

8-5-54

ALICE I. DUCK, Register

BETTY JO DIXON,

COMPLAINANT,

VS

J. C. DIXON,

RESPONDENT.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY.

Now comes the Respondent and accepted service of the summons and complaint in this cause.

The Respondent admits the allegations as to ages, marriage and residence, but denies all other allegations contained in the bill of complaint, and demands strict proof of the same.

The Respondent waives notice of the time of taking of testimony on behalf of the Complainant; the right to cross-examine Complainant's witnesses; and agrees that this cause be submitted for final decree without further notice.

[Handwritten signature]

STATE OF GEORGIA

COUNTY OF CHATTAHOOCHEE

I, CLARENCE F. FAVRET, JR., a Notary Public, in and for said County, in said State, hereby certify that J. C. Dixon, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 22nd day of August, 1954.

[Handwritten signature]
CLARENCE F. FAVRET, JR.

CLARENCE F. FAVRET, JR. 2nd Lt. Inf. Notary Public,
Commissioned officer of the United States Army and as such Notary Public ex-officio for the State of Georgia by authority of Title 71, Section 401, Code of Georgia.

[Handwritten signature]
CLARENCE F. FAVRET, JR.
2nd Lt. Inf

3271

BETTY JO DIXON

COMPLAINANT

VS

J. C. DIXON

RESPONDENT

ANSWER AND WAIVER

From the law offices of
C. LeNoir Thompson
Attorney-At-Law
Bay Minette, Alabama

Filed 9-2-54

Anna L. L. L. L.
Reed

C. LENOIR THOMPSON
ATTORNEY-AT-LAW
BAY MINETTE, ALA.

September 2, 1954

Honorable James A. Hendrix
Attorney
Robertsdale, Alabama

Dear Jim:

I am today filing an answer and wiaver from J. C. Dixon with the understanding that no support will be asked from Dixon in the decree and no attorney fee or court cost will be required.

The reason for this being Dixon is in the guard house and will possibly have no funds for a year or longer.

This confirms our agreement in the matter.

Sincerely,

CLT/lh

T. W. RICHARDSON,
COMPLAINANT
and CROSS-RESPONDENT

VS.

JAMES W. ROUNTREE,
RESPONDENT
and CROSS-COMPLAINANT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY,
ALABAMA

IN EQUITY NO. 3272

Comes the Respondent and Cross-Complainant in the above entitled cause, and the demurrer of the Complainant and Cross-Respondent to the amended Cross Bill of the Respondent and Cross-Complainant having been sustained, does hereby, with leave of Court, file the following amended Cross Bill against the Complainant and Cross-Respondent, and avers as follows:

FIRST

The Respondent and Cross-Complainant is a transferee under and pursuant to the instrument attached to the bill of complaint and identified as "Exhibit E" of the Grantors in and to the instrument attached to the bill of complaint and identified as "Exhibit A", and Respondent and Cross-Complainant avers that "Exhibit A" provides that "this conveyance is made upon the expressed condition that the Grantors, for themselves, and for their heirs, executors, administrators and assigns, do hereby reserve an option at any time subsequent to two years from the date hereof to re-purchase the property" conveyed in and by said instrument. Respondent and Cross-Complainant avers that if such expressed condition subsequent be void, then the entire instrument identified as "Exhibit A" is void.

SECOND

Respondent and Cross-Complainant avers that he is ready, willing and able, and does hereby make offer, to re-purchase the said parcel of real property as provided in and by said instrument identified as "Exhibit A", being the transferee of the rights of the Grantors therein under and pursuant to the instrument identified as "Exhibit E", and that he is ready, willing and able to comply with all of the terms of said instrument which is identified as "Exhibit A", in making such payment or payments in

such amount as may be determined to be justly and equitably due; and Respondent and Cross-Complainant submits himself to the jurisdiction of this Court of Equity and is ready and willing and now offers to do full equity in said premises.

THIRD

Respondent and Cross-Complainant further shows that the Complainant and Cross-Respondent and one George H. Faulk, Grantees in said instrument identified as "Exhibit A", agreed with the Grantors in said instrument identified as "Exhibit A" that the Grantees would take possession of the real property described in the bill of complaint for a minimum period of, to-wit, two (2) years; that the said parties agreed, and intended to execute an instrument, which would vest in the said Complainant and Cross-Respondent and the said Faulk merely the right of possession for a minimum period of two (2) years, with full right to said Grantors, which has been assigned and transferred by Exhibit E, to terminate such possessory right. Respondent and Cross-Complainant further shows that said possessory interest vested under Exhibit A was so written because of the possibility of use of said real property for an illegal purpose, to-wit, gambling, by the said Complainant and Cross-Respondent and/or the said George H. Faulk; and that said instrument by actual agreement and intention of the parties were to constitute in legal effect a written lease only.

FOURTH

Respondent and Cross-Complainant further avers that said instrument identified as Exhibit A fails to express the true agreement and intent of the parties, if the right of re-purchase be void, as the result of and through the mutual mistake of the scrivener, in failing properly and appropriately to express the true agreement of said parties, whose true intention and agreement was to vest in the said Grantors good, legal, enforceable and valid right to terminate the possessory

interest of the Grantees in said instrument identified as Exhibit A.

FIFTH

Respondent and Cross-Complainant further avers that if said right to re-purchase the said real property be void that the entire instrument identified as Exhibit A is void and of no force and effect except as to the obligation which Respondent and Cross-Complainant does hereby recognize to make monetary repayment to the Complainant and Cross-Respondent; that said instrument is void and of no force and effect because of the failure of the mutual consideration agreed upon as a part of the entire agreement between the parties thereto.

SIXTH

Respondent and Cross-Complainant further shows that the Complainant and Cross-Respondent is estopped in equity and good conscience to avoid the re-purchase^{of} the said real property, or in the alternative to have the right of re-purchase declared void, for that such right of re-purchase was a valuable portion of the consideration to the Grantors in said instrument and Complainant and Cross-Respondent will unjustly enriched by such; the Respondent and Cross-Complainant being the transferee and assignee of such rights retained by the Grantors in and to Exhibit A.

SEVENTH

Respondent and Cross-Complainant further shows that Complainant and Cross-Respondent has invoked the^{aid of} this Court of Equity with unclean hands on his part in that he seeks to have declared void the portion of the instrument identified as Exhibit A, well knowing that he made agreement in good faith and in good conscience with the Grantors therein that his interest in said real property would be possessory only and that it was subject to defeasance by valid, lawful, binding and effective right of re-purchase; and that Complainant and Cross-Respondent has no equitable right to seek of this Court of Equity the declaration of such rights of re-purchase as void because of his unclean hands.

PRAYER FOR RELIEF

Respondent and Cross-Complainant prays that this Cross Bill be filed in said cause as further answer to said bill of complaint, and to each paragraph and aspect thereof separately and severally, and that T. W. Richardson be made a Cross-Respondent hereto under the rules and regulations provided by law.

Respondent further prays that upon the final hearing of this cause Your Honor will make and enter a decree granting relief as follows to your Respondent:

1. Construing and declaring the legal effect of the deed of conveyance, a copy of which is attached to the bill of complaint and marked "Exhibit A".
2. Ascertaining and declaring the rights to which Respondent is entitled in the property described in said bill of complaint and in the Exhibit A thereto.
3. Ascertaining and declaring that Respondent holds valid and existing right of re-purchase of said real property, and that it be decreed that Complainant execute and deliver to Respondent a deed conveying said real property to Respondent upon payment to him, or into this Honorable Court for him, of such sum of money as may be owing for such purpose under the terms of Exhibit A; and in the event that the said Complainant fails or refuses to execute such deed Respondent prays that this Honorable Court will decree that a deed conveying Complainant's title to Respondent be executed by the Register.
4. Without waiver of any of the foregoing, but expressly insisting upon the relief prayed for, ascertaining and declaring that the instrument, copy of which is identified as Exhibit A, to be totally void, subject to equitable right of reimbursement of Complainant as the Court shall determine.
5. Without waiving any of the foregoing, but expressly insisting upon the relief prayed for, Respondent further prays that if he is mistaken in asking for the relief prayed for hereinabove, that said instrument, copy of which is attached to the bill of complaint and identified as Exhibit A, be reformed

to vest in Respondent valid, lawful and enforceable right of re-purchase of said real property.

6. That if Respondent be mistaken in the relief prayed for that this Court will decree that the Complainant is estopped to assert the invalidity of the right of re-purchase in said instrument and that Complainant is without equitable right to have such right of re-purchase declared void.

7. That a reference be ordered by the Court to the Register of this Court for such other proceedings be had as may be appropriate to the granting of relief herein prayed for by Respondent. Respondent prays for such other, further and different relief as in equity and good conscience the Respondent is entitled to receive, the premises considered.


Solicitor for Respondent
and Cross-Complainant