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DIVORCE DECREE

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The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

Frances Clark

Complainant

vs.

William N. Clark

Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Respondent's Answer~~ on Respondents' 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

Frances Clark

is forever divorced from the

said William N. Clark

for and on account of

Cruelty

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 payment of the cost of this suit.

It is further ordered that

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

This 10th day of November, 1954.

Hubert M. Hall

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.

CECIL G. CHASON

ATTORNEY AT LAW

FOLEY, ALABAMA

August 5, 1955

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

Dear Mrs. Duck:

Enclosed herewith is Bill of Complaint in the suit of Clark
and Hartung -vs- Frances Clark Lucassen.

Yours very truly,

A handwritten signature in dark ink, appearing to be "C. G. Chason", written over a horizontal line.

C. G. Chason

CGC:fm

encls. 2

WILLIAM N. CLARK and
INEZ C. HARTUNG,
Complainants

vs.

FRANCES CLARK LUCASSEN,
Respondent

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

4 3586

DEMURRER TO BILL OF COMPLAINT

Now comes the Respondent and demurs to the Bill of Complaint filed in this cause by William N. Clark and Inez C. Hartung and as grounds therefor, set down and assigned, separately and severally, the following:

1. There is no equity in the Bill of Complaint.
2. No facts are alleged to show that the Complainants, William N. Clark and Inez C. Hartung, are entitled to the custody or control of the minor children named in the Bill of Complaint.
3. It affirmatively appears that the Respondent is entitled to custody or control of the minor children named in the Complaint.
4. The allegations of the Bill are vague, indefinite and uncertain.
5. No facts are alleged in the Bill of Complaint to show that the Respondent is not a fit and suitable person to have custody, care and control of the minor children named in the Complaint.

Now comes the Respondent and demurs to Paragraph Third of the Bill of Complaint and as grounds therefor, set down separately and severally, the following:

1. There is no equity in the Bill.
2. The allegations in the Bill are vague, indefinite and uncertain.
3. The facts alleged therein are conclusions of the pleader.
4. No facts are alleged to show that the Respondent is not a fit and suitable person to have custody, care and control of the minor children named in the Complaint.

Now comes the Respondent and demurs to the Prayer for Relief in the Bill of Complaint and as grounds therefor, set down separately and severally, the following:

1. There is no equity in the Bill of Complaint.
2. The allegations in the Bill are vague, indefinite and uncertain.
3. No facts are alleged to show that the Respondent is not a fit and suitable person to have custody, control and care of the minor children named in the Complaint.


Solicitor for Respondent

WILLIAM N. CLARK and
INEZ C. HARTUNG,
Complainants

vs.

FRANCES CLARK LUCASSEN,
Respondent

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

≠ 3586

BOOK 021 PAGE 215

DEMURRER TO BILL OF COMPLAINT

Now comes the Respondent and demurs to the Bill of Complaint filed in this cause by William N. Clark and Inez C. Hartung and as grounds therefor, set down and assigned, separately and severally, the following:

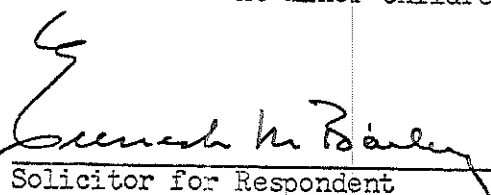
1. There is no equity in the Bill of Complaint.
2. No facts are alleged to show that the Complainants, William N. Clark and Inez C. Hartung, are entitled to the custody or control of the minor children named in the Bill of Complaint.
3. It affirmatively appears that the Respondent is entitled to custody or control of the minor children named in the Complaint.
4. The allegations of the Bill are vague, indefinite and uncertain.
5. No facts are alleged in the Bill of Complaint to show that the Respondent is not a fit and suitable person to have custody, care and control of the minor children named in the Complaint.

Now comes the Respondent and demurs to Paragraph Third of the Bill of Complaint and as grounds therefor, set down separately and severally, the following:

1. There is no equity in the Bill.
2. The allegations in the Bill are vague, indefinite and uncertain.
3. The facts alleged therein are conclusions of the pleader.
4. No facts are alleged to show that the Respondent is not a fit and suitable person to have custody, care and control of the minor children named in the Complaint.

Now comes the Respondent and demurs to the Prayer for Relief in the Bill of Complaint and as grounds therefor, set down separately and severally, the following:

1. There is no equity in the Bill of Complaint.
2. The allegations in the Bill are vague, indefinite and uncertain.
3. No facts are alleged to show that the Respondent is not a fit and suitable person to have custody, control and care of the minor children named in the Complaint.


Solicitor for Respondent

WILLIAM N. CLARK, and
INEZ C. HARTUNG

Complainants

VS

FRANCES CLARK LUCASSEN

Respondent

BOOK 021 PAGE 212

IN THE CIRCUIT COURT IN
BALDWIN COUNTY, ALABAMA
IN EQUITY

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

Come your Petitioners William N. Clark and Inez C. Hartung,
and show to the Honorable Court the following:

FIRST:

That the Complainants are brother and sister, both being
over twenty-one years of age, and both residing in the home of
Inez C. Hartung in Cullman, Alabama; that the Respondent, Frances
Clark Lucassen is over the age of twenty-one years, and is a resi-
dent of Fairhope, Baldwin County, Alabama.

SECOND:

That by decree of the Circuit Court of Baldwin County, Ala-
bama in Equity rendered on the 10th day of November, 1954, the
marriage of William N. Clark and Frances Clark Lucassen, then
Frances Clark, was dissolved. No reference was made in the decree
of divorce as to custody or control of the minor children of the
marriage, namely Robert M. Clark, now 15 years of age, Ronald M.
Clark, now 12 years of age, and Sherry Clark, now 9 years of age.
However, an instrument in writing was executed by the parties as
follows:

Frances Clark
Complainant

vs

William N. Clark
Respondent

Circuit Court Baldwin County
Alabama In Equity

Whereas Complainant herein has instituted suit for divorce
against the above named Respondent,

It is hereby stipulated and agreed by and between the
parties hereto that the following terms and conditions
shall become a part of any decree rendered in said action,
namely;

1. Respondent shall convey to the children of the marri-
age between the said parties his interest in and to the
home property of the parties in lieu of alimony and support.

2. Complainant shall have custody and control of the children, Robert M. Clark, Ronald M. Clark and Sherry Clark except that Respondent shall have the right to such custody and control during school and other vacations and shall, at all times, have the right to reasonable visitation and company of said children.

3. The said home place shall not be occupied as a home by any one other than the Complainant herein and said minor children.

4. Complainant shall have no monetary claim against said Respondent at any time subsequent to the rendition of a decree for divorce in the above titled cause.

5. The Circuit Court of Baldwin County, Alabama, shall retain jurisdiction for the protection of said monor children.

(Signed) Frances Clark

(Signed) William N. Clark

THIRD:

On the 17th day of December, 1954 a decree of divorce was rendered in favor of Vivian Ann Lucassen against Johnny E. Lucassen in which said divorce proceeding Frances Clark was named as the person with whom Johnny E. Lucassen had committed adultery, and the custody and control of the minor children of that marriage was given to Vivian Ann Lucassen, who was shown to be a fit person. Subsequent to the rendition of this divorce, Johnny E. Lucassen intermarried with Frances Clark.

FOURTH:

Paragraph One of the agreement executed between Frances Clark and the Petitioner, William N. Clark, as is hereinabove set out, provided that William N. Clark should convey to the children of the marriage, the home property in lieu of alimony and support, and paragraph Three of said agreement provided that said property should not be occupied as a home by anyone other than Frances Clark and the said minor children. Petitioners show that by conveyance dated the 8th day of November, 1954, the Petitioner, William N. Clark conveyed to his monor children all of his right, title and interest in and to the property referred to in said agreement this being Lots 3, 4, and 5, Block 3, Volanta Subdivision in the Town of Fairhope, according to a plat thereof recorded in the Office of the Judge of Probate of Baldwin County, Alabama, which said instrument is of record in the Office of the Probate Judge of Baldwin County, Alabama in Deed Book 215, pages 219-220.

This said property is subject to a real estate mortgage to Hugh L. Cole of Fairhope, Alabama with a remainder due of approximately \$2,500.00, payable in monthly installments of \$32.50. Petitioners show that the provisions of paragraph Three of said agreement have been violated by the said Frances Clark in that she and Johnny E. Lucassen now occupy the property as husband and wife.

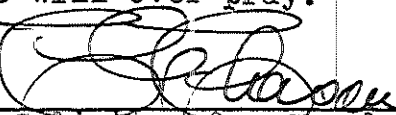
FIFTH:

Petitioners show that the minor children of the said William N. Clark and Frances Clark Lucassen are now in the care, custody and control of the Petitioners, their father and their aunt in the home of the said Inez C. Hartung in Cullman, Alabama, and the said Inez C. Hartung and William N. Clark are fit and proper persons to have the care, custody, and control of the said minor children, and said children are being cared for properly and well, and their environment is of a proper and religious nature, and it is to the best interest of the said minor children to be and remain in the care, custody, and control of their father and aunt in the home of the said aunt.

THE PREMISES CONSIDERED your Petitioners pray that Frances Clark Lucassen be made a party respondent to this petition, and that notice be given to her in manner and form prescribed by law, requiring her to plead, answer, or demur within the time required by law, or that a decree pro confesso may be rendered against her, and on a final hearing of this cause, may it please the Court to grant the following: (1) That custody and control of the minor children, Robert M. Clark, Ronald M. Clark, and Sherry Clark be awarded to William N. Clark and Inez C. Hartung, the father and aunt, respectively. (2) That the Respondent, Frances Clark Lucassen, be directed to vacate the property hereinabove described in order that it may be rented, or that she be required to pay a reasonable rental for the occupancy and use of said property to the said William N. Clark in order that the outstanding mortgage on said property may be paid, and that such maintenance, repair, upkeep, and insurance as required may be done with the returns from the rental, thereby increasing and enhancing the value to the said minor children. (3) That such other, further, different,

BOOK 021 PAGE 21A

or general relief be granted as in equity may seem just and proper, as in duty bound Petitioners will ever pray.



Solicitor for Complainants

BOOK 021 PAGE 10