

2540

DIVORCE DECREE

Printed by Moore Ptg. Co.

The State of Alabama, Baldwin County

Circuit Court, In Equity

Mary Alice Ard

vs.

Samuel Ard Jr.,

, Complainant

, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decree Pro Confesso on Answer 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 Mary Alice Ard is forever divorced from the said Samuel Ard Jr. for and on account of

Cruelty. IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the Court that the Complainant be and she is hereby awarded the custody, care and control of the minor children, Eldon Newton Ard and Sharon Ellen Ard, subject to the right of the respondent to visit with them at reasonable times.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the court, that the Respondent pay to the Complainant toward the maintenance and support of said children, Eldon Newton Ard and Sharon Ellen Ard the sum of \$50.00 per month as permanent alimony

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 Mary Alice Ard the Complainant pay the cost herein to be taxed, for which execution may issue.

This _____ day of _____, 19____

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. 2510

Page _____

The State of Alabama
BALDWIN COUNTY

In Circuit Court, In Equity

Mary Alice Ard

Complainant

vs.

Samuel Ard Jr.

Respondent

DIVORCE DECREE

The State of Alabama, Baldwin County

Circuit Court, In Equity

Mary Alice Ard

vs.

Samuel Ard Jr.

, Complainant

, Respondent

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Register of Circuit Court, In Equity.

No. _____ Page _____

The State of Alabama
BALDWIN COUNTY

In Circuit Court, In Equity

Mary Alice Ard

Complainant

vs.

Samuel Ard Jr.

Respondent

DIVORCE DECREE

The State of Alabama, Baldwin County

Circuit Court, In Equity

Mary Alice Ard

, Complainant

vs.

Samuel Ard Jr.

, Respondent

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Mary Alice Ard

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Complainant

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This day of , 19--

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

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Register of Circuit Court, In Equity.

No. _____ Page _____

The State of Alabama
BALDWIN COUNTY

In Circuit Court, In Equity

Mary Alice Ard

Complainant

vs.

Samuel Ard Jr.

Respondent

DIVORCE DECREE

THE STATE OF ALABAMA
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

Mary Alice Ard

Complainant

VS.

Samuel Ard Jr.

Respondent

I, Evelyn Watts

as Register and Commissioner

have called and caused to come before me Mary Alice Ard and Mrs. Herman Taylor

witness^{es} named in the Requirement for Oral Examination, on the 10 day of August 1945, at the office of Hubert M. Hall in Bay Minette, Alabama, and having first sworn said Witness^{es} to speak the truth, the whole truth, and nothing but the truth, the said Mary Alice Ard and Mrs. Herman Taylor doth depose and say as follows:

MY Name is Mary Alice Ard. I am over twenty-one years of age and a bona fide resident of Baldwin County, Alabama. The Respondent Samuel Ard Jr., is over twenty-one years of age and a resident of Baldwin County, Alabama.

The Respondent and I married at Pensacola, Florida, on October 9, 1937. We lived together as husband and wife in Baldwin County, Alabama, until on to-wit, August 24, 1950.

That on to-wit, August 24, 1950, and many times prior thereto, the Respondent threatened me and did actual violence to my person by striking me, which necessarily endangered my life and health. I have every reasonable apprehension to believe and do actually believe if the Respondent and I live together as husband and wife he will carry out his threats and do further violence to my person which would necessarily endanger my life and health.

The Respondent and I have two children, Eldon Newton Ard age 10 and Sarron Ellen Ard age five. These children are now and have been all of their life with me. I am the suitable, fit and proper person to have their custody care and control.

The Respondent and I have made a full and complete settlement of our respective property rights whereby the Respondent is conveying to me the real property including the home and store adjoining the home, together with all furnishings in the home and also all the fixtures, equipment and stock of goods in the store.

I am conveying to the Respondent all my interest in all the other properties owned by the Respondent or by the Respondent and me jointly.

The Respondent and I have also agreed that I am to keep the children subject to the right of the Respondent to visit them at reasonable times and that the Respondent will pay toward the maintenance and support of the children the sum of \$50.00 per month between the 25th and the last of each month.

Mary Alice Ard

I am personally acquainted with the Complainant and the Respondent in this case and have known them for more than five years. I know that they have not lived together as husband and wife during the past year.

I know that the Complainant, Mary Alice Ard is the suitable, fit and proper person to have the care, custody and control of their two minor children.

Mrs. Herman Taylor

ORAL EXAMINATION.

I, Evelyn Watts, as Register and Commissioner hereby certify that the foregoing depositions 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 and Hubert M. Hall

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 10 day of August, 1941

Evelyn Watts (L. S.)

NO. _____ PAGE _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

Mary Alice And

vs. Complainant

Samuel And Jr.

Respondent.

Oral Deposition

Filed _____, 1941

Register.

FILED
Record in

AUG 14

1951

Record

Vol. Alice J. Beck, Register

Page _____

Register.

MARY ALICE ARD

Complainant

Vs

SAMUEL ARD JR.

Respondent

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

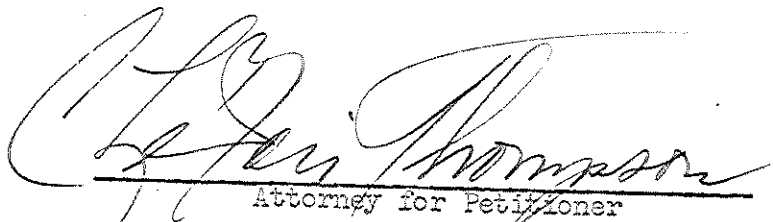
TO THE HONORABLE TELFAIR J. MASHBURN JR., JUDGE OF SAID COURT:

Comes your Petitioner, Mary Alice Ard, and respectfully represents and shows unto your Honor as follows:

1. That she has filed in this Honorable Court a bill seeking alimony for support and maintenance against the Respondent, Samuel Ard, Jr.

2. That she is without means of support during the pendency of this suit, and that said Respondent is well able to provide support and maintenance for your Complainant, but that said Respondent has refused and failed so to do.

The premises considered, your Petitioner prays that your Honor will order a reference ore tenus and to ascertain what will be a reasonable amount to be allowed to your Petitioner during the pendency of this suit, to determine a proper attorney fee for your Petitioner's Attorney in this matter, and your Petitioner prays for general relief.


Attorney for Petitioner

MARY ALICE ARD

Complainant

Vs

SAMUEL ARD JR.

Respondent

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

TO THE REGISTER IN CHANCERY OF SAID COURT:

Upon consideration of the Petition of Mary Alice Ard filed in this cause, the same being duly read, considered and understood by the Court, it is, therefore, the Judgment of this Court, and it is ordered, adjudged and decreed by the Court that the Register of this Court hold a reference according to law, under the rules of this Court, and ascertain and report to this Court what will be a reasonable amount to be allowed to the Complainant, Mary Alice Ard, for her support and maintenance during the pendency of this suit, and that the Register of this Court give notice of holding of said reference according to law.

Done this the 2nd day of September, 1950.

Jeffrey A. Mashburn, Jr.
Circuit Judge

THE STATE OF ALABAMA
Baldwin County

Circuit Court

TO:

Evelyn Watts

Beise J. Herrsch
Register.

Witness' Fees, \$_____

No. 2500

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

Mary Alice Ard

Complainant

vs.

Samuel Ard

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

Evelyn Watts

WITNESSES:

Mary Alice Ard

Mrs. Herman Taylor

Mary Alice Ard

vs.

Samuel Ard Jr.

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 of the Respondent and testimony of Mary Alice Ard and Mrs.

Herman Taylor

and in behalf of Defendant upon _____

H. M. HALL

High Duck

Register.

No. 2540

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

Mary Alice And

vs.

Samuel And Jr.

NOTE OF TESTIMONY

Filed in Open Court this

day of **FILED** 194

JUG 14 1951

ALICE I. DUCK, Register.

Printed by The Baldwin Times, Bay Minette.

MARY ALICE ARD

COMPLAINANT

VS

SAMUEL ARD JR.

RESPONDENT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
IN EQUITY
NO. 2540

Now comes the Respondent and for answer to the Complainant's Bill of Complaint says:

1.

He denies each and every allegation contained therein, not expressly admitted, and demands strict proof of the same.

2.

He admits the allegations contained in paragraphs one and two of the Bill of Company.

3.

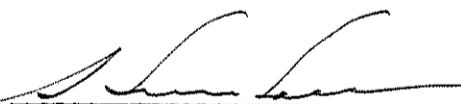
He denies all the allegations contained in paragraph three and demands strict proof of the same.

4.

He denies the allegations contained in paragraphs four, five and six, and demands strict proof of the same.

5.

He admits the allegations to paragraph seven as to the two children, but denies that the Complainant is a suitable, fit and proper person to have their care, custody and control.


Solicitor for the Respondent

2540

RECORDED

MARY ALICE ARD

COMPLAINANT

VS

SAMUEL ARD JR.

RESPONDENT

ANSWER

FILED

SEP 21 1950

ALICE J. DUCK, Register

MARY ALICE ARD

COMPLAINANT

VS

SAMUEL ARD JR.

RESPONDENT

IN THE CIRCUIT COURT OF

BALIWIN COUNTY, ALABAMA,

IN EQUITY

NO. 2540

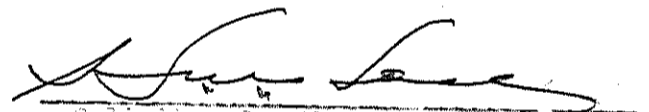
~~Now comes the Respondent and amends paragraph four and five of his~~
answer, heretofore filed in this cause so that the same shall read as follows:

4.

He denies the allegations contained in paragraphs 4, 5, and 6, however, agrees to pay to the respondent toward the maintenance and support of the two minor children the sum of FIFTY (\$50.00) DOLLARS per month.

5.

He amends his answer to paragraph seven of the bill of complaint so that the same shall read as follows: He admits the allegations that there was born to the marriage between the Complainant and the Respondent Eldon Newton Ard and Sharon Eller Ard, and that the complainant, the mother of said children, is a suitable, fit and proper person to have their custody, care and control.


Solicitor for the Respondent

RECORDED

MARY ALICE ARD

COMPLAINANT

VS

SAMUEL ARD

RESPONDENT

AMENDED ANSWER

FILED

AUG 11 1951

ALICE J. DWCK, Register

STATE OF ALABAMA
BALDWIN COUNTY

You are hereby commanded to summon SAMUEL ARD JR., 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 MARY ALICE ARD, as Complainant, and against SAMUEL ARD JR., as Respondent.

WITNESS my hand this 2nd day of September, 1950.

Reed J. Houch
Register

MARY ALICE ARD

Complainant

Vs

SAMUEL ARD JR.

Respondent

§

§

§

§

§

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

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

Your Complainant, Mary Alice Ard, respectfully shows and represents unto your Honor and this Honorable Court as follows:

1.

That your Complainant is over the age of twenty-one years of age and a bona fide resident of Baldwin County, Alabama; your Respondent is over the age of twenty-one years and a bona fide resident of Baldwin County, Alabama, also.

2.

That your Complainant and the Respondent married in Pensacola, Florida, on October 9, 1937, and lived together as husband and wife in Baldwin County, Alabama until on to-wit, August 24, 1950.

3.

Your Complainant avers and charges that the said Respondent did on or about the 24th day of August, 1950, and many times prior thereto assault, beat, hit and strike Complainant; that said Respondent has committed actual violence on her person attended with danger to her health or life; Complainant avers and charges that Respondent has made numerous threats of doing her physical harm and from his manner toward her, she is reasonably convinced that he will commit an actual violence upon her person, attended with danger to her life or health.

4.

That your Complainant and Respondent through their common efforts have established a wholesale oil and gas business near Summerdale, in Baldwin County, Alabama. The gross value of which business together with other holdings approximates the sum of Sixty Thousand (\$60,000.00) Dollars to which your Complainant is entitled an undivided one-half interest.

5.

There are also certain bank accounts the deposits in which your Complainant is not informed as to the amounts of these deposits. Your Complainant also is entitled to one-half thereof, because of her joint effort with the Respondent in so earning and accumulating said monies all of which your Complainant is denied access to.

6.

Your Complainant further avers that the said Respondent is a man of considerable income, to-wit; approximately One Thousand (\$1,000.00) Dollars per month being the income from the joint enterprise and effort of your Complainant, who is denied access to her share of said business.

7.

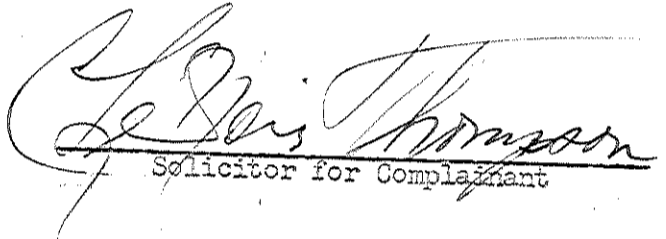
There was born as fruits of this marriage of your Complainant and the Respondent two children; Eldon Newton Ard, age nine, and Sharon Ellen Ard, age four; that said children are with your Complainant who is a suitable, fit, and proper person to have their care, custody and control.

WHEREFORE, the premises considered, your Complainant prays that your Honor will by proper procedure make the said Samuel Ard, Jr., party Respondent to this bill of complaint requiring him to plead, answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

Your Complainant further prays that upon final hearing hereof your Honor will grant to her an absolute divorce forever barring the bonds of matrimony existing between your Complainant and Respondent.

Your Complainant further prays that she be awarded the custody, care and control of the minor children, Eldon Newton Ard, age nine, and Sharon Ellen Ard, age four, and that your Honor will grant to the Complainant alimony pendent lite maintenance for herself and for said children in the amount of Five Hundred (\$500.00) Dollars per month and inasmuch as your Complainant is without funds it is suggested that Five Hundred (\$500.00) Dollars be allowed as a reasonable solicitor's fee to your Complainant's Solicitor for his services herein and

and that your Honor will order the Register of this Court to hold a reference and report to this Court what would be a reasonable amount to be allowed your Complainant as alimony for her support and maintenance pending this suit, and what will be a reasonable amount to be allowed your Complainant's Solicitor for his services herein, and that upon a final hearing of this cause, that your Honor will render a decree granting to your Complainant her proper and rightful share of said properties accumulated through her joint effort with the Respondent and further that your Honor will render a decree granting to your Complainant a suitable allowance as maintenance and support for said children and your Complainant prays for such other, further or general relief to which she may be entitled, and your Complainant ever prays, etc.


Solicitor for Complainant

Received in Sheriff's Office
this *3* *Sept* 1950
TAYLOR, JAMES, Sheriff

NO 2540

Exempted This 7-Sept-1950
By Serving Copy on:

Samuel Ard, Jr.

MARY ALICE ARD

RECORDED

Complainant

Vs

SAMUEL ARD JR.

Respondent

Cost \$25.40

Sheriff
Jayles Wilkins
By
Edleigh Steadham

SUMMONS AND COMPLAINT

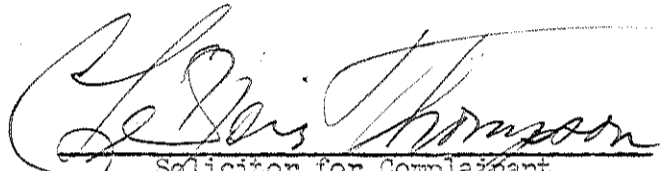
FILED

SEP 2 1950

ALICE J. DUCK, Register

From the law office of
C. LeNoir Thompson
Attorney-at-Law

and that your Honor will order the Register of this Court to hold a reference and report to this Court what would be a reasonable amount to be allowed your Complainant as alimony for her support and maintenance pending this suit, and what will be a reasonable amount to be allowed your Complainant's Solicitor for his services herein, and that upon a final hearing of this cause, that your Honor will render a decree granting to your Complainant her proper and rightful share of said properties accumulated through her joint effort with the Respondent and further that your Honor will render a decree granting to your Complainant a suitable allowance as maintenance and support for said children and your Complainant prays for such other, further or general relief to which she may be entitled, and your Complainant ever prays, etc.


Solicitor for Complainant

Received in Sheriff's Office
this 3rd Sept. 1950
TAYLOR, Sheriff

NO 2540

MARY ALICE ARD

RECORDED

Complainant

Vs

SAMUEL ARD JR.

Respondent

Cost \$25.40

Sheriff

Jayles Wilkins

By

Edleigh Steadham

SUMMONS AND COMPLAINT

FILED

SEP 2 1950

ALICE J. DUCK, Register

From the law office of
C. LeNoir Thompson
Attorney-at-Law

MARY ALICE ARD
Complainant
VS.
SAMUEL ARD, JR.
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY. NO. 2540

NOTICE

TO: Samuel Ard, Jr.
Respondent in the above styled cause;

You will take notice that on the 2nd day of September, 1950, the Judge of the Circuit Court made a Degree ordering the Register of this Court to hold a reference according to law, to ascertain and report:

1. What will be a reasonable amount to be allowed to the Complainant, Mary Alice Ard, for her support and maintenance during pendency of this suit.

You will further take notice that I have set the 27th day of September, 1950 as the day to hear the said reference, which will be held at my office in the Court House in Bay Minette, Alabama, at 10:00 A. M.

Witness my hand this 14th day of September, 1950.

Archie Roberts
Register in Equity.

Received in Sheriff's Office
this 14 day of Sept, 1958
TAYLOR WILKINS, Sheriff

No. 2540

RECORDED

MARY ALICE ARD,
Complainant

VS.

SAMUEL ARD, JR.
Respondent

NOTICE

2540

FILED

AUG 14 1958

ALICE L. DUCK, Register

Executed 9-20-58
By leaving a copy
with Samuel Ard Jr.
For Taylor Wilkins
Ed Henry Nelson