

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

JOHNNY BROOKS

, Complainant

vs.

AMEAL BROOKS

, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Pro-Causa~~
Answer & 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 Johnny Brooks is forever divorced from the said Ameal Brooks for and on account of Abandonment

It is further ordered, adjudged and decreed that the Respondent be and is hereby authorized to resume here maiden name Ameal Hale.

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 Johnny Brooks the Complainant pay the cost herein to be taxed, for which execution may issue.

This 7th day of July, 1953

Hubert M. Hale
 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.

RECORDED

No. _____ Page _____

The State of Alabama
Baldwin County

In Circuit Court, In Equity

Complainant

vs.

Respondent

DIVORCE DECREE

FILED

JUL 7 1953

ALICE J. DUCK, Register

JOHNNY BROOKS

vs.

AMEAL BROOKS

THE STATE OF ALABAMA

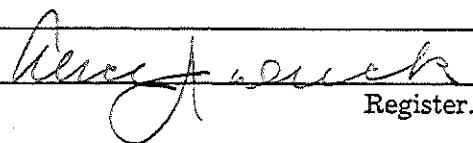
Baldwin County

IN EQUITY

Circuit Court of Baldwin County

This cause is submitted in behalf of Complaint upon the original Bill of Complaint, _____
Answer & Waiver of Respondent and testimony of Johnny Brooks and Lydia
Crandall

and in behalf of Defendant upon _____


Register.

RECORDED

No.

THE STATE OF ALABAMA

Baldwin County

IN EQUITY

Circuit Court of Baldwin County

JOHNNY BROOKS

vs.

AMEAL BROOKS

NOTE OF TESTIMONY

Filed in Open Court this 6th

day of July, 1943

Register.

Printed by the Baldwin Times

LAW OFFICES
RICKARBY & RICKARBY
FAIRHOPE, ALABAMA

26 May 1953

Mr. C. LeNoir Thompson
Attorney at Law
Bay Minette, Ala.

Dear Mr. Thompson:

Re: Johnnie Brooks
Vs: Ameal Brooks

Enclosed find copy of withdrawal of appearance
I have this day filed in the above mentioned
cause.

Yours very truly,

E. G. Rickarby, Jr.

R/i

3038

cc: Mrs. Alice J. Duck, Clerk

JOHNNIE BROOKS,

Complainant and
Cross-Respondent

-vs-

AMEAL BROOKS,

Respondent and
Cross-Complainant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

No. 2584

WITHDRAWAL OF APPEARANCE

Comes E. G. RICKARBY, JR., and withdraws appearance in the above mentioned cause in accordance with letter from Respondent dated 9 June, 1953.

RICKARBY & RICKARBY

By: 

E. G. Rickarby, Jr.,
Attorney for Respondent

2584

RECORDED

Brooks

U.S.

Brooks

FILED

MAY 29 1953

ALICE J. DUCK, Register

JOHNNIE BROOKS
Complainant and
Cross-Respondent

EQUITY No. 2584

CIRCUIT COURT OF

vs

BALDWIN COUNTY, ALABAMA

AMEAL BROOKS,
Respondent and
Cross-Complainant

Comes Cross-Complainant and demurs to paragraph three
of the answer to her Cross-bill upon the ground that the facts
therein alleged constitute no legal defense to Cross-Complainant's
claim to a one-half interest in the realty for which she holds
record title.

Richards & Richards
Solicitors for Cross-Complainant.

RECORDED

EQUITY No. 2584

JOHNIE BROOKS,
Complainant and
Cross Respondent

VS

ANDAL BROOKS,
Respondent and
Cross-Complainant

DEMURRERS TO
ANSWER TO CROSSBILL

FILED

OCT 6 1951

ALICE J. DUCK, Register

JOHNNIE BROOKS,

Complainant and
Cross Respondent

vs

AMEAL BROOKS,

Respondent and
Cross Complainant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY.

NO. 2584

TO THE HONORABLE TELFAIR J. WASHBURN, JR., JUDGE OF THE 28th JUDICIAL
CIRCUIT, IN EQUITY SITTING, IN BAY MINETTE, ALABAMA:

Comes the Complainant and for demurrer to the answer of said

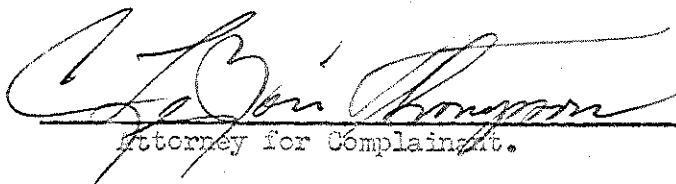
Respondent says:

ONE:

There is no equity in said answer.

TWO:

That said answer is a speaking demurrer, as to count 1 of said answer.


Attorney for Complainant.

FILED
SEP 17 1951
ALICE J. DUCK, Register

JOHNNIE BROOKS,
Complainant

E Q U I T Y No. 2582
CIRCUIT COURT OF BALDWIN

vs

COUNTY, ALABAMA.

AMEL BROOKS,
Respondent

We appear for Respondent in above styled cause, reserving
the right to amend all pleadings heretofore filed by Respondent
and to file such further pleadings as may seem proper.

Riskanty + Riskanty

Solicitors for Respondent

Copy made to C.H.T.

EQUITY NO. 2584

CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA.

JOHNNIE BROOK,
Complainant

-vs-

AMEL BROOKS,
Respondent

APPEARANCE for RESPONDENT

RICKARBY & RICKARBY
Attorneys for Respondent

JOHNNIE BROCKS

Complainant and
Cross Respondent

Vs

AMEAL BROCKS,

Respondent and
Cross Complainant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY.

NO. 2584

TO THE HONORABLE TELFAIR J. MASHBURN, JR., JUDGE OF THE 26th JUDICIAL
CIRCUIT, IN EQUITY SITTING, IN BAY MINETTE, ALABAMA:

REPLICATION

Comes the Complainant and Cross-Respondent and for answer to
said cross bill says:

ONE:

Complainant and Cross-Respondent denies the allegation in the second
count thereof.

TWO:

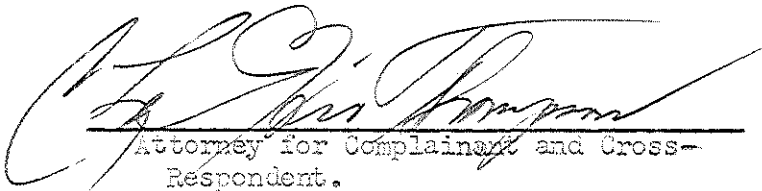
That your Petitioner further shows that the abandonment was on the
part of the Respondent and Cross-Complainant and was not as alleged in
the third count thereof.

THREE:

Your Petitioner shows unto this court that the said land referred to
in count four thereof was deeded as a wedding gift by your Petitioner's
mother at the request of your Petitioner to the parties to this cause and
that, there being no children as fruits of this marriage, your Petitioner
is entitled to the return of his wedding gifts and further that the house
referred to in said count was constructed by the proceeds of your Petitioner's
labor.

FOUR:

Your Petitioner denies any liability as may be alleged in count five
of said answer and cross bill.


Attorney for Complainant and Cross-
Respondent.

NO 2584

FILED

SEP 20 1951

ALICE J. DUCK, Register

JOHNNIE BROOKS,
Complainant

-vs-

AMEAL BROOKS,
Respondent

EQUITY NO. 2584

CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

REPLY BRIEF OF RESPONDENT AND CROSS COMPLAINANT ON HER DEMURRER TO
PARAGRAPH THREE OF COMPLAINANT'S "REPLICATION":

We see no reason to question the long established principles as to division of assets owned by the parties upon the dissolution of marriage relationship and cited by Complainant in his brief, but these do not sustain Complainant's interpretation of the law in the last paragraph of his brief. None of these authorities bear out the contention there asserted that the duty of the Court is to place the parties in the status quo that existed before the marriage. The essential is to do equity between the parties under the conditions that arose at the time of the separation. Nor do we admit that the rent of real property, the title to which is vested in both parties, accrues to the benefit of the husband or that the wife may only expect a return of what money she spent. This ignores the principle that where both parties to a marriage work in their separate spheres, the property accumulated is community property to be divided by the Court with a proper regard for the equities of each.

Hence the tentative ruling of the Court that the demurrer should be sustained is not upset by the Brief and argument of Complainant.

Respectfully submitted,

Risley Risley
Solicitors for Cross Respondent.

A copy of the foregoing brief was mailed to C. Lenoir Thompson, Esq. on October 19, 1951.

Elliot B. Risley
Of Counsel for Cross-Complainant.

EQUITY NO. 2584

JOHNNIE BROOKS,
Complainant

-vs-

AMEAL BROOKS,
Respondent

BRIEF OF CROSS COMPLAINANT
ON DEMURRER

FILED

OCT 22 1951

ALICE J. DUCK, Register

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT

TO: Lyrleene Nixon

KNOW YE: that we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, at such time and place as you may appoint, to call before you and examine Johnny Brooks and Lydia Crandall

as witnesses in behalf of Johnny Brooks in a cause pending in our Circuit Court in Baldwin County, of said State, wherein

Johnny Brooks

, Complainant

and

Ameal Brooks

Respondent

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

Witness 6th day of July, 1953.

David J. Smith
Register.

Commissioner's Fee, \$

Witness' Fees, \$

JOHNNIE BROOKS,

Complainant and
Cross Respondent

vs

AMEL BROOKS,

Respondent and
Cross Complainant

EQUITY No. 2584

CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

Comes AMEL BROOKS, Respondent in the above styled cause and for answer to the bill of Complaint says:

FIRST: That Respondent admits the averments of paragraphs one and two as to age, residence and marriage of the parties and residence together as husband and wife.

SECOND: Respondent denies the averment of the third paragraph of the bill that she voluntarily abandoned the bed and board of Complainant but admits that she had to leave him in December 1949 because of his mistreatment and failure to support her and because of his spending the ample wages which he was then getting in gambling and dissolute living.

THIRD: Respondent further shows that she has lived separate and apart from Complainant for more than one year since December 7, 1949, without support from him and during which time she has been a bona fide resident of Baldwin County, Alabama.

FOURTH: Respondent further shows that she and Complainant are the joint owners of ~~the~~ lot of land in the village of Daphne upon which a house has been constructed out of the proceeds of her labor as well as that of Complainant, That she has also contributed from her wages to the purchase of the furniture and equipment of said house and is therefore equally interested financially, morally and legally in said property.

FIFTH: Respondent now prays that this, her answer, be taken as a Crossbill, that Complainant be required to answer same within the time required by law.

Cross-Complainant further prays that the said Johnnie Brooks be required to pay a proper sum to her for compensation for her counsel in this cause which sum she submits should not be less than ONE HUNDRED DOLLARS.

SIXTH: Cross-Complainant further prays that upon the hearing

of this cause a decree by rendered forever divorcing her from the said Johnnie Brooks granting her the sum of One Hundred Dollars toward her counsel fees as before stated and decreeing that the dwelling owned by them together with the household furniture and kitchen equipment now therein be sold and the proceeds after payment of the costs of this cause, be divided equally between the parties hereto, together with rents received by said Johnnie Brooks since December 7, 1949. That if an agreement can be made as to a private sale of the property, that same be ordered sold by the Register of this Court but if an agreement cannot be reached, the property to be sold at public outcry and the proceeds divided by said decree and that Cross Complainant have such other, further or different relief as to Equity may seem meet.

W. H. Kirby & P. H. Kirby
Solicitors for Cross Complainant

10-1-50

RECORDED

10-1-50

10-1-50

10-1-50

10-1-50

10-1-50

10-1-50

No. 2584

RECORDED

JOHNNIE BROOKS

VS

AMEAL BROOKS

Answer and Crossbill

Executed 8-29 1951
by serving copy of within Summons and
Complaint on Answer & Crossbill

C. Lemore Thompson
Attorney

Taylor W. Spivey Sheriff
By H. F. W. 00 Deputy Sheriff

FILED

AUG 28 1951

ALICE J. DUCK, Register

Serve on
C. Lemore Thompson

STATE OF ALABAMA
BALDWIN COUNTY

You are hereby commanded to summon ALEAL BROOKS, 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 JOHNNY BROOKS, as Complainant, and against ALEAL BROOKS, as Respondent.

WITNESS my hand this 20th day of December, 1950.

W. J. W. W.
Register

JOHNNY BROOKS

Complainant

VS

ALEAL BROOKS

Respondent

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

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

Your Complainant, JOHNNY BROOKS, respectfully represents and shows unto your Honor and this Honorable Court as follows:

1. That your Complainant and the Respondent are both bona fide residents of Baldwin County, Alabama and over twenty-one years of age.

2. That your Complainant and the Respondent married in Bay Minette, Alabama on January 19, 1946 and lived together as husband and wife in Baldwin County, Alabama until on to-wit, December 7, 1949.

3. Complainant avers that said Respondent voluntarily abandoned the bed and board of Complainant for more than one year next preceding the filing of this bill of complaint, since which time Complainant and Respondent have not lived together nor in any way recognized each other as husband and wife.

WHEREFORE the premises considered your Complainant prays that your Honor will by proper process make the said ALEAL BROOKS, pray Respondent to this bill of Complaint, requiring her 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.

Complainant further prays that upon a final hearing hereof your Honor will make and enter a decree forever barring the bonds of matrimony existing between your Complainant and the Respondent; that he be granted such other, further, different or general relief as he may be equity and good conscience entitled to receive.


Solicitor for Complainant.

2584

RECORDED

Received in Sheriff's Office
this 30 day of Dec 1950
TAYLOR WILKINS, Sheriff

JOHNNY BROOKS

COMPLAINANT

VS

AMEAL BROOKS

RESPONDENT

BILL OF COMPLAINT

From the law offices of
C. LeNoir Thompson
Ray Kinette, Alabama

FILED

DEC 20 1950

ALICE L. DUCK, Register

Executed 29 Dec 1950
by serving copy of within Summons and
Complaint on

Amel Brooks

Taylor Wilkins
Deputy Sheriff

JOHNNY BROOKS,
COMPLAINANT,
VS
AMEAL BROOKS,
RESPONDENT.

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

Now comes the Respondent and having been served with the summon and complaint in said cause waives the cross-bill heretofore filed in this case.

The Respondent admits the allegations as to ages, residences, and marriage but denies all other allegations contained in the bill of complaint, and demand 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, I would like to resume the name of Ameal Hale.

Respondent furthers admits that a property settlement has been made.

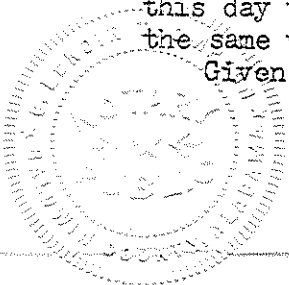
Ameal Brooks.

STATE OF ALABAMA
BALDWIN COUNTY

I, C. LeNoir Thompson, a Notary Public, in and for said County in said State, hereby certify that Ameal Brooks, 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 say instrument, she executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 6th day of July, 1953.

C. LeNoir Thompson
Notary Public, Baldwin County, Alabama.



RECORDED

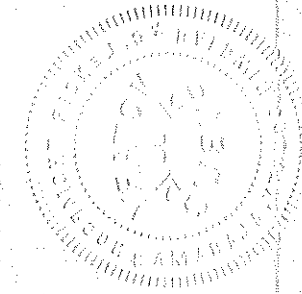
JOHNNY BROOKS,

COMPLAINANT

VS

AMEAL BROOKS,

RESPONDENT



Answer & Waiver

Johnny Brooks

[Signature]

*Filed 7-6-53
Aircouch
Regilla*

The State of Alabama,
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

JOHNNY BROOKS

Complainant

VS.

AMEAL BROOKS

Respondent

I, Lyrleene Mixon

as ~~Required~~ Commissioner

have called and caused to come before me Johnny Brooks and Lydia Crandall

witness ES named in the Requirement for Oral Examination, on the 6th day of July

1953, at the office of C. LeNoir Thompson

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 Johnny Brooks and Lydia Crandall

doth depose and say as follows:

That my name is Johnny Brooks, I am over the age of 21 and a resident of Baldwin County, Alabama, and the Respondent is over the age of 21 years, and also a resident of Baldwin County, Alabama, and we have both lived in Baldwin County, Alabama more than two years next preceding, we were married in Bay Minette, Alabama, January 19, 1946 and lived together as husband and wife in Baldwin County until on or about December 7, 1949 at which time the Respondent voluntarily abandoned my bed and board without fault on my part, and we have not lived together since that date as husband and wife, there are no children as fruits of this marriage and a property settlement has been made between the parties.

Johnny Brooks

That my name is Lydia Crandall, I know both parties to this cause, I know they are both over the age of 21 years and residents of Baldwin County, Alabama, and have been for more than two years next preceding they were married in Bay Minette, Alabama on January 19, 1946 and lived together as husband and wife in Baldwin County until the first part of December, 1949 at that time Ameal Brooks went and lived with her mother voluntarily abandoning the bed and board of Johnny Brooks, they have no children as fruits of this marriage and a property settlement has been agreed upon and made.

Lydia Crandall

ORAL EXAMINATION

I, Lyrleene Nixon, as ~~Register~~ ^{XX} Commissioner hereby certify that the foregoing deposition S 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 C. LeNoir Thompson

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 16th day of July, 19 53.

Lyrleene Nixon (L. S.)

No. _____	Page _____
The State of Alabama	
Baldwin County.	
In Circuit Court, In Equity	
JOHNNY BROOKS	
vs.	Complainant
AMEAL BROOKS	
	Respondent
Oral Deposition	
Filed <u>7-6</u>	19 <u>53</u>
Recorded in <u>11</u>	Register
Vol. _____	Page _____
	Record
	Register

Amesal Brooks
July 13 1953