

ANTON KULICKA,
Complainant,
Vs.
AGNES KULICKA HORTON,
Respondent.

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY.
NO. 2813.

AMENDED ANSWER AND CROSS-BILL.

Comes the respondent in the above styled cause and amends her answer heretofore filed in said cause so that, as amended, it reads as follows:

ONE

Respondent admits the allegations of the first paragraph.

TWO

Respondent denies so much of the second paragraph as alleges that the child, Jimek Kulicka, resides with the complainant at Silverhill, and demands strict proof of the same. Respondent admits all other allegations of the second paragraph of the bill of complaint.

THREE

Respondent admits that she was awarded a decree of divorce against the respondent and, by the Court, was awarded the care, custody and control of their minor children, and that she remarried. She denies each and every other allegation of said paragraph three of the bill of complaint, and she demands strict proof of the same.

FOUR

Respondent denies so much of the fourth paragraph of the bill of complaint as alleges that the complainant has, since the respondent left, cared for and maintained the children remaining with him; and that the complainant has paid all the taxes due on the property belonging to your respondent, and respondent demands strict proof of the same. Respondent denies any agreement to execute a deed to their children conveying property once owned by complainant and respondent, and she says that they own no property to be conveyed, or which they could convey, jointly; and she demands strict proof of such agreement.

FIVE.

Respondent denies so much of the fifth paragraph of the bill of complaint as alleges that it would be to the best interest of their chi

children if the complainant were awarded the care, custody and control of the children and allowed to remain on and in possession of the lands belonging to your respondent; that the complainant has made every effort to provide his children with a suitable and proper home and all of the necessities of life and has done everything in his power to effect a suitable and amicable relationship between himself and the respondent, and respondent demands strict proof of the same. Respondent further denies so much of the fifth paragraph as alleges that the property described therein is owned by the Complainant, and she demands strict proof of the same. Respondent admits all of the other allegations of said paragraph.

Your Respondent further prays that the Court may take this answer as her cross-bill and your cross-complainant makes as party respondent to this cross-bill of complaint the said Anton Kulicka, and she shows unto this Honorable Court as follows:

ONE

That her name is Agnes Kulicka Horton and that she is over the age of twenty-one years and a resident citizen of Baldwin County, Alabama, residing at Fairhope, Alabama. That the Complainant and cross-respondent, Anton Kulicka, is over the age of twenty-one years and is a resident of Baldwin County, Alabama, residing near Silverhill, Alabama.

TWO.

That she was formerly the wife of the said Anton Kulicka, and that there was born to their marriage the four children names in the second paragraph of the bill of complaint.

THREE

That your Respondent and cross-complaint was awarded a decree of divorce against the complainant and cross-respondent in the Honorable Court on, to-wit: the 17th day of May, 1946, by the terms of which decree she was awarded the care, custody and control of the four minor children.

FOUR

That as part of the settlement agreement made between your respondent and cross-complainant and the complainant and cross-respondent, in lieu of alimony, the said Anton Kulicka agreed to convey to your cross-complainant the following described lands in Baldwin County, Alabama, viz:

The Northwest quarter of the Southwest quarter and the South half of the Southwest quarter of the Northwest quarter of

Section 21, Township 6 South, Range 3 East, and the North half of the North half of the Southwest quarter of the Southeast quarter; the South half of the Northwest quarter of the Southeast quarter and the South half of the Northeast quarter of the Northeast quarter of Section 20, Township 6 South, Range 3 East.

that your cross-complainant agreed to pay the cross-respondent the sum of \$2500.00 for said lands; that said agreement was either not reduced to writing, or your respondent and cross-complainant was not given a copy of it, but that said agreement was recognized by this Honorable Court in rendering the Divorce decree in favor of your cross-complainant, which decree is made a part of the original bill of complaint in this cause; that the complainant and cross-respondent did make a deed conveying the above described property to your respondent and cross-complainant; and that your cross-complainant did pay the property and took possession of said/ cross-respondent \$2500.00 for said property, /That your cross-complainant is now the owner of the above described property.

FIVE.

That sometime in the early Spring of 1947 the complainant and cross-respondent came to your respondent and cross-complainant and told her that the Court had given him possession of the property for four years; that because she believed the representations made by the Cross-respondent, your respondent and cross-complainant signed a lease to the cross-respondent for a term of four years, which lease expired on, to-wit: the 12th day of February, 1951; that the complainant and cross-respondent has failed and refused to return the possession of the above described property to your cross-complainant, although she has often requested him, both orally and in writing, to do so; and that he has refused to pay her rent for said property; that a reasonable rental on said property would be \$1200.00 per year.

WHEREFORE, THE PREMISES CONSIDERED, your Respondent prays that this Honorable Court will take this as her cross-bill and will make the complainant a cross-respondent to the cross-bill; that your Honor will by proper process bring the complainant and cross-respondent into this Court ordering him to plead, answer or demur to this cross-bill within the time and under the pains and penalties prescribed by law and the practice of this Honorable Court.

Your Respondent and Cross-complainant further prays that on a final hearing of this cause this Honorable Court will make and enter a

decree declaring that your cross-complainant is the owner of the real property described paragraph four of this cross-bill; that she is entitled to the possession of said property; that the complainant and cross-respondent shall immediately surrender possession of said property to her; and fixing a reasonable amount for the complainant and cross-respondent to pay to your respondent and cross-complainant for his unlawful detention of said premises and for rent on said premises. And respondent and cross-complainant prays for such other, further, different or general relief as she may be entitled to receive, and, as in duty bound, she will ever pray.

Jellair A. Markberry, Jr.
SOLICITOR FOR RESPONDENT AND CROSS-
COMPLAINANT.

Comes the complainant and cross-respondent and accepts service of a copy of the Amended Answer and cross-bill of complaint filed herein in all respects as though the said amendment to the ^{Answer and cross-}~~bill~~ of ^{bill} complaint were served upon him personally by any lawful sheriff of the State of Alabama, as required by law.

14 December 1953.

FILED

12-15-53

ALICE J. DOCK, Register

Markberry, Jr.
SOLICITOR FOR COMPLAINANT AND CROSS-
RESPONDENT.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

NO. 2813.

ANTON KULICKA,

Complainant,

Vs.

AGNES KULICKA HORTON,

Respondent.

AMENDED ANSWER AND CROSS-
BILL.

Filed

12-15-53

Alice French
Hay

EDGAR R. NELSON

ATTORNEY-AT-LAW

PITMAN BUILDING

FAIRHOPE, ALABAMA


June 27, 1952

Mrs. Alice Duck
Clerk, Circuit Court
Baldwin County, Alabama
Bay Minette, Alabama

Re: Kulicka v. Horton
No. 2813 in Equity

Dear Mrs. Duck:

I hand you herewith the answer of the respondent in the above named case. Please file the same for me and see that the attorneys for the complainant receive their copy. Thank you.


Edgar R. Nelson

ERN/sn

ANTON KULICKA,
Complainant,
vs.
AGNES KULICKA HORTON,
Respondent.

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

ORDER

It having been made to appear to this Court that Anton Kulicka has filed in this Court a Bill of Complaint in which he alleges that he has appealed from a decree in the Justice Court of J. J. Ganus in Robertsdale, Alabama, by the terms of which he was required to surrender the possession of certain real property situated in Baldwin County, Alabama, and more particularly described as follows:

The South half of the Northeast Quarter of the Southeast Quarter and the North Half of the North-half of the Southwest Quarter of the Southeast Quarter of Section 20, Township 6 South, Range 3 East.

And that he also appealed from two other decrees of said court in two other cases to this court and that there is also now pending against him on the Law Side of this Court a civil suit for the recovery of money alleged to be owing by him to the Respondent; and it further appearing to the Court that this Court still has jurisdiction of two of the children of the Complainant and Respondent by virtue of a divorce decree rendered by this Court on March 17, 1946.

And the Court having considered the prayers contained in the Bill of Complaint heretofore filed by Anton Kulicka is of the opinion that the Complainant should not be dispossessed of the property described above until all of the matters and controversies between the parties hereto are fully and finally settled and the Court being of the further opinion that all of the litigations now pending between the Complainant and the Respondent should be consolidated in one case or proceeding, it is therefore, ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. That Taylor Wilkins, Sheriff of Baldwin County, Alabama, be, and he hereby is, directed not to execute the Writ of the Justice Court of J. J. Ganus of Robertsdale, Alabama, wherein

he is requested to dispossess the Complainant and to deliver the possession to the Respondent of the above described property until ordered to do so by this Court.

2. That all of the cases now pending on the Law Side of this Court be transferred to the Equity Side of this Court and be made a part of this proceeding for a declaratory judgment and to this end, Alice J. Duck, Clerk of the Circuit Court of Baldwin County, Alabama, is hereby ordered to transfer said cases to the Equity Side of the Circuit Court of Baldwin County, Alabama, and consolidate said cases with this proceeding. And Alice J. Duck, as Register of the Circuit Court of Baldwin County, Alabama, in Equity, is hereby ordered to reopen and file with the papers in this proceeding, all instruments on file in the case of Anton Kulicka, Complainant and Cross-Respondent vs. Agnes Kulicka, Respondent and Cross-Complainant.

Done and ordered this 20th day of May, 1952.

Jasper A. Marbleberry
Judge.

RECORDED

INDEXED

APR

COURT HOUSE

BALDWIN COUNTY

APR 20 1952

ALABAMA

CLERK

ANTON KULICKA,		IN THE CIRCUIT COURT OF
Complainant,		BALDWIN COUNTY, ALABAMA
vs.		IN EQUITY
AGNES KULICKA HORTON,		No. 2813
Respondent		

ANSWER

Comes the respondent in the above styled cause and makes answer thereto as follows:

ONE

Respondent admits the allegations of the first paragraph.

TWO

Respondent denies so much of the second paragraph as alleges that the child Jimek resides with the complainant at Silverhill. Respondent demands strict proof of the same. Respondent admits all other allegations of the second paragraph of the bill of complaint.

THREE

Respondent denies so much of paragraph three as states or alleges that she left the home at Silverhill and left three of the children at Silverhill with no one to care for them; that the complainant returned to the home in Silverhill in order to take care of the children; that the child Jimek is living with the complainant at Silverhill; that the children were to receive the title to the land and that the agreement was in all respects complied with by the Complainant; and that she abandoned the children, and respondent demands strict proof of the same. Respondent also denies and demands strict proof that the agreement was in the terms alleged.

FOUR

Respondent denies so much of the fourth paragraph as alleges that the complainant has, since the respondent left, cared for and maintained the children remaining with him; and that the complainant has paid all the taxes due on the properties, and respondent demands

strict proof of the same. Respondent admits all other allegations in the fourth paragraph contained.

FIVE

Respondent denies so much of the fifth paragraph as alleges that it would be to the best interest of the children if the Complainant were awarded the care, custody, and control of the children and allowed to remain on and in possession of the lands in question; that the Complainant has made every effort to provide his children with a suitable and proper home and all of the necessities of life and has done everything in his power to effect a suitable and amicable relationship between himself and the respondent insofar as disputes between he and the respondent over their agreement are concerned, and respondent demands strict proof of the same. Respondent also denies so much of the fifth paragraph as alleges that the property described therein is owned by the complainant and demands strict proof of the same. Respondent admits all other allegations of said paragraph.

FILED

6-28-52

ALICE J. DUCK, Register


Attorney for Respondent

SUMMONS AND COMPLAINT

Moore Printing Co.

THE STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No.

..... TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Agnes Kulicka Horton

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against _____

Agnes Kulicka

Respondent
Defendant

by Anton Kulicka

Complainant
Plaintiff

Witness my hand this 20th day of May 1952

W. L. Ketch

Clerk

Regester

BOOK 016 PAGE 447

No. _____ Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY
CIRCUIT COURT

_____ Plaintiffs

vs.

_____ Defendants

SUMMONS and COMPLAINT

Filed _____, 19 _____

_____, Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED IN OFFICE

_____, 19 _____

_____, Sheriff

I have executed this summons

this _____, 19 _____
by leaving a copy with

Sheriff

Deputy Sheriff

ANTON KULICKA,
Complainant,
vs.
AGNES KULICKA HORTON,
Respondent.

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

TO THE HONORABLE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY,
AND TO THE HONORABLE TELFAIR J. MASHBURN, JUDGE THEREOF:

Comes your Complainant, the undersigned Anton Kulicka, and respectfully represents and shows unto this Court and unto your Honor as follows:

FIRST:

That his name is Anton Kulicka and that he is over the age of twenty-one years and a resident citizen of Baldwin County, Alabama, his more particular address being R. F. D., Silverhill, Alabama.

SECOND:

That he is now an unmarried man but that he was married to the Respondent, Agnes K. Horton in 1929, and remained married to the said Respondent until 1947, when he and the Respondent were divorced by decree of this Honorable Court. That there were born to your Complainant and the Respondent, four children who are all living and whose names, ages and addresses are as follows: Vlasta Kulicka, daughter, over twenty-one and who resides at Fairhope, Alabama; Justina Kulicka; daughter, twenty years of age, who resides with your Complainant at Silverhill, Alabama; Elsie K. Kennedy, daughter, over the age of eighteen years and married, who resides at Stapleton, Alabama; and Jimck Kulicka, son, fifteen years of age and who resides with your Complainant at Silverhill.

THIRD:

By the terms of the divorce decree referred to above, a certified copy of which is attached hereto and by reference made a part hereof, the Respondent was awarded the care, custody and control of the above named children and in accordance therewith she assumed such custody and remained in the home with the said children where your Complainant is now living. That the Respondent remarried shortly after the divorce decree referred to above and remained in

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MAY 1948

to your Respondent of the South half of the Northeast Quarter of the Southeast Quarter and the North half of the North half of the Southwest Quarter of the Southeast Quarter of Section 20, Township 6 South, Range 3 East, in Baldwin County, Alabama, from which order or decree your Complainant has appealed to this Court in each of the three cases filed in such Justice Court against him and has given bond as required by law. That the Respondent has also filed a suit against your Complainant in the Circuit Court of Baldwin County, Alabama, at Law, for the use and occupation of the above described property, which suit is noted on the docket of this Court as #1774. That by the terms of the divorce decree referred to in paragraph Third hereof, this Honorable Court retained jurisdiction of that cause for any further orders and decrees which would be necessary for the welfare of the children.

That your Complainant believes that it would be to the best interest of the children if he were awarded the care, custody and control of said children and allowed to remain on and in possession of the lands owned by him in Baldwin County, Alabama, described as follows:

The Northwest Quarter of the Southwest Quarter and the South half of the Southwest Quarter of the Northwest Quarter of Section 21, Township 6 South, Range 3 East, and the North half of the North half of the Southwest Quarter of the Southeast Quarter; the South half of the Northwest Quarter of the Southeast Quarter and the South half of the Northeast Quarter of the Northeast Quarter of Section 20, Township 6 South, Range 3 East.

That your Complainant has, since he and the Respondent were divorced, made every effort to provide his children with a suitable and proper home and all of the necessities of life and has done everything in his power to effect a suitable and amicable relationship between himself and the Respondent insofar as disputes between he and Respondent over their agreement are concerned. That a justiciable controversy now exists between your Complainant and Respondent over the title to the above described property, the right to the possession thereof, the care and custody of their children and his liability to the Respondent for any indebtedness.

the home at Silverhill for approximately one year, at which time she left the home and left three of the children at Silverhill with no one to care for them, whereupon your Complainant returned to the home in Silverhill in order to take care of the children that were still living there. That Elsie married soon thereafter and your Complainant has remained in the said home with Justina and Jimck since that time and they are now living there with him.

That in and by the terms of an agreement entered into between your Complainant and the Respondent, relative to the divorce proceeding referred to above, the Respondent agreed to pay your Complainant Twenty-five Hundred Dollars (\$2500.00) which she did, and she was also to receive the timber located on the lands hereinafter referred to and to receive the then growing crop, a truck, all the livestock and poultry and every other item of personal property located on the premises. That the children were to receive the title to the land. That said agreement was in all respect complied with by your Complainant and the Respondent, with the exception that your Complainant has not yet executed a deed to the children to the land hereinafter referred to and with the further exception that the Respondent did abandon the children of whom she had the custody and that in the deed which she executed to the children she reserved a life estate in herself to the land hereinafter described.

FOURTH:

That your Complainant has remained on the property referred to above since the Respondent left the same and has, since that time, cared for and maintained the children remaining with him. That your Complainant has paid all of the taxes due on this property, both before he and the Respondent were divorced and since that time. That he is ready and willing to execute a deed to the children named above conveying the title to the hereinafter described property to them absolutely, under and by the terms of the agreement referred to in paragraph Third hereof.

FIFTH:

That the Respondent filed three suits against your Complainant in the Justice Court of J. J. Gamus in Robertsdale, Alabama, and said Court did order your Complainant to surrender the possession

WHEREFORE, the premises considered, your Complainant prays that your Honor will, by the usual writ of process, make the Respondent a party to this cause and require her to plead, answer and demur to such Bill of Complaint within the time allowed by law and your Complainant further prays that your Honor will enter an order directed to Taylor Wilkins, as Sheriff of Baldwin County, Alabama, directing him to withhold execution of the decree or order of the Justice Court of J. J. Ganus referred to above until the matters herein complained of and the controversies herein noted are settled and adjudged by this Honorable Court.

Your Complainant also prays that your Honor will enter an order consolidating the three cases which he has appealed to this Court from the Justice Court of J. J. Ganus, the divorce proceeding referred to above and the suit filed against your Complainant by the Respondent on March 26, 1952.

And your Complainant further prays that upon a final hearing of this cause your Honor will enter a final order and decree in settlement of and in response to the following controversies now existing between the Complainant and the Respondent:

1. Who is the owner of the property described in paragraph Fifth above?
2. Who is entitled to the care, custody and control of the above minor children?
3. Whether or not your Complainant is indebted to the Respondent in any amount for rent or any other indebtedness.

And your Complainant prays for such other, further and different orders or decrees which in Equity will be meet and proper.

Respectfully submitted,
CHASON & STONE

By: Melvin G. Stone

FILED

May 20, 1952

ALICE J. DUCK, Register

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

ANTON KULICKA, Cross Respondent and Complainant
VS.

AGNES KULICKA, Cross Complainant and Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Deceit Pro Confessor~~
on Cross Bill 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 Agnes Kulicka is forever divorced from the said Anton Kulicka

for and on account of CRUELTY

It is further ordered, adjudged and decreed that Cross Complainant shall have the custody of the four children of the marriage, namely: Vlasta, Justina, Elsie and Jimek, subject to the right of the Complainant to visit said children at reasonable hours.

The parties to this cause having made a settlement as to the family homestead, this is now accepted in lieu of any claim for alimony by Cross Complainant, but the Court reserves control of this cause for such further orders as from time to time the welfare of the children may require. ~~It is further ordered that Anton Kulicka, the Complainant, pay the costs.~~

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 Anton Kulicka the Complainant pay the cost herein to be taxed, for which execution may issue.

This 17th day of May, 1946

F. W. Hare
Judge Circuit Court, in Equity.

I, R. S. 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 17th day

of May, 1946

R. S. Duck
Register of Circuit Court, in Equity

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THE STATE OF ALABAMA
BALDWIN COUNTY
2813
ANTON KULICKA, Plaintiff
vs.
AGNES KULICKA, Defendant
DIVORCE DECREE
Filed this _____ day of _____, 1946
_____ Register

No. _____ Page _____

The State of Alabama
BALDWIN COUNTY
IN CIRCUIT COURT, IN EQUITY

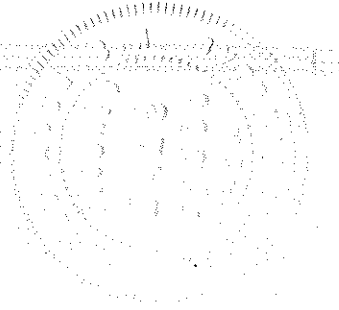
ANTON KULICKA,
Cross Respondent and
vs. Complainant

AGNES KULICKA,
Cross Complainant and
Respondent

DIVORCE DECREE

Filed this _____ day of _____,
May, 1946

Register



_____ Clerk of Court
_____ Register