

2740

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

ALOIS KRALIK, Complainant

vs.

EMILI KRALIK, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Pro Quo~~
~~XXXX~~ 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 here-
tofore existing between the Complainant and Defendant be, and the same are hereby, dissolved, and
that the said Alois Kralik is forever divorced from the
said Emili Kralik for and on account of
voluntary abandonment

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 per-
mitted to again contract marriage upon the payment of the cost of this suit.

It is further ordered that Alois Kralik
the complainant pay the cost herein to be taxed, for which execution may issue.

This 13th day of January, 1953.

Jessie A. Madhewer, Jr.
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. _____ Page _____

The State of Alabama
BALDWIN COUNTY

In Circuit Court, In Equity

Complainant.

Vs.

Respondent.

DIVORCE DECREE

FILED

1-13-53

ALICE J. DUCK, Register

STATE OF ALABAMA, BALDWIN COUNTY

ALOIS KRALIK

Complainant,

vs.

EMILI KRALIK

Respondent,

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY.

WHEREAS, EMILI KRALIK AND ALOIS KRALIK desire to settle the property rights in the above mentioned cause and WHEREAS the parties own the following property jointly to wit:

Northeast Quarter of Southeast Quarter (NE $\frac{1}{4}$ of SE $\frac{1}{4}$), Section Seventeen (17), Township Six (6) South, Range Three (3) East, of St. Stephens Meridian in Alabama, containing forty (40) acres more or less.

NOW THEREFORE, it is agreed that should Emili Kralik be able to pay him the sum of \$1,800.00, he will convey to her or her assigns all his rights consisting of an undivided one half (1/2) interest in said property and that this payment and conveyance be made in full settlement of all property rights and claims between the parties and that the said Alois Kralik, the complainant in this cause, will pay the costs of court in the divorce action now pending in the Circuit Court in Baldwin County, Alabama.

Should she be unable to raise the \$1,800.00 that this agreement will be null and void and will not prejudice existing rights of the parties.

It is further agreed that on tender of the sum of \$1,800.00 the divorce case now pending in the Circuit Court in Baldwin County, Alabama be submitted for decree as in the opinion of the parties, it is impossible for them to live together happily as man and wife, and a copy of this agreement be filed in the above mentioned cause and the terms be made a part of the decree of said court if acceptable to said court.

IN WITNESS WHEREOF the parties set their hands and seals on the day of December, Nineteen Hundred Fifty-two (1952).

Alois Kralik

Emili Kralik

STATE OF ALABAMA:

COUNTY OF BALDWIN:

I, *Grady P. Gilbert, Sr.*, a Notary Public in and for said State and said County, hereby certify that Alois Kralik, 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 official seal this the *17th* day of December, 1952.

Grady P. Gilbert, Sr.

Notary Public, Baldwin County, Alabama.

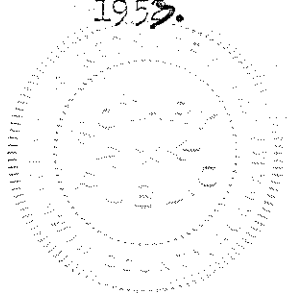


I, *[Signature]*, a Notary Public in and for said State and said County, hereby certify that Emili Kralik, whose name is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day, that being informed of the contents of the conveyance, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the *9* day of *January*, 1953.

[Signature]

Notary Public, Baldwin County, Alabama



THE STATE OF ALABAMA,

CIRCUIT COURT, BALDWIN COUNTY

BALDWIN COUNTY

}

No.

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Emili Kralik

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 _____

Emili Kralik, Defendant

by Alois Kralik

....., Plaintiff.....

Witness my hand this 15th day of July 1952

[Signature], Clerk

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

STATE OF ALABAMA, BALDWIN COUNTY

ALOIS KRALIK § IN THE CIRCUIT COURT OF
 Complainant, § BALDWIN COUNTY, ALABAMA
 vs. § IN EQUITY.
EMILI KRALIK §
 Respondent. §

To the Honorable Judge of the Circuit Court of Baldwin County,
Sitting in Equity:

Your complainant Alois Kralik, respectfully represents and shows unto your Honor:

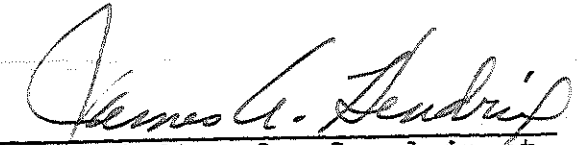
1. That complainant is over the age of twenty-one years and is a resident of said State and County, and has been a bona fide resident of said State for more than two years next preceding the filing of this bill of complaint; that Respondent Emili Kralik is over the age of twenty-one years and resides in Silverhill, Baldwin County, Alabama.

2. That your complainant and respondent were lawfully married on or about, to-wit September 15, 1905, at Bohovalice Morova, Austria.

3. Complainant further 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.

The premises considered, your complainant makes the said Emili Kralik a party respondent to this bill of complaint, and in order that complainant may have the relief herein prayed for, may it please your Honor to cause the State's writ of subpoena to be issued, directed to the said Emili Kralik, commanding her to answer, plead or demur to this bill of complaint, within the time required by law; and on a final hearing of this cause, that your Honor will enter a decree divorcing your complainant from

said respondent, granting the complainant the right to remarry,
and that your Honor will grant such other, further and different
relief as unto your Honor may seem just and proper, and your
complainant will ever pray, etc.



Solicitor for Complainant

THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT

TO: John J. Ganus

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 August Pearson and Mrs Marie Rada

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

_____, Complainant
and Emili Kralik

_____, Respondent

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

Witness 10th day of January, 1953

Arif. Kralik
Register.

Commissioner's Fee, \$ _____

Witness' Fees, \$ _____

No. _____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

ALOIS KRALIK

Complainant—

vs.

EMILI KRALIK

Defendant—

COMMISSION TO TAKE DEPOSITION

COMMISSIONER

JOHN J. GANUS

WITNESSES:

AUGUST PEARSON

MRS MARIE RADA

ALOIS KRALIK

vs.

EMILI KRALIK

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 Alois Kralik, August Pearson and Mrs Marie Rada in the oral deposition.

and in behalf of Defendant upon _____

James C. Leardrip

Wm. J. ...

Register.

No.

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

vs.

NOTE OF TESTIMONY

Filed in Open Court this 13th

day of January, 1943.

W. J. [Signature]
Register.

THE STATE OF ALABAMA
 Baldwin County.

Circuit Court of Baldwin County, Alabama
 (In Equity)

ALOIS KRALIK Complainant

VS.

EMILI KRALIK Respondent

I, John J. Ganus

as ~~Registered~~ Commissioner

have called and caused to come before me August Pearson and Mrs Marie Rada

witnesses named in the Requirement for Oral Examination, on the 10 day of January
1953, 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 August Pearson and
Mrs Marie Rada doth depose and say as follows:

My name is Alois Kralik, and I am over 21 years old and have lived in Baldwin County for more than the past two years. Emili Kralik is over 21 years old and lives in Silverhill, Alabama, and has lived therefor the past several years. I was lawfully married to Emili on September 15, 1905 in Bohovalice Morova, Austria. Emili voluntarily left by bed and board about five or six years before the filing of this complaint, and since that time, we have not lived together and in no way have we recognized each other as husband and wife.

Alois Kralik

I have known Alois Kralik for several years. He is well over 21 years old and has lived here in Baldwin County for the past many years. Emili Kralik is over 21 years old and has lived in Silverhill, Alabama for the several past years. I have heard them say many times that they were married somewhere in Austria away back in about 1905. Emili has refused to live with Alois for the past five or six years and they have refused to recognize each other as husband and wife during this time and up to this day they do not live as husband and wife.

August Pearson

I have known Alois Kralik for many many years. He is over 21 years old and has lived here in Baldwin County for about the past 20 years. Emili Kralik is over 21 years old and has lived in Silverhill for many years. They have told me on numerous occasions that they were married in a little town in Austria. Emili left Alois about five or six years ago of her own free will and accord and since that time and up to the present day they have not lived together as man and wife.

Mrs Marie Rada

ORAL EXAMINATION.

I, John J. Ganus, as ~~Register and~~ 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 John J. Ganus

at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness es or had proof 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 January, 1953

John J. Ganus (S.)
N.P. & J.P.

My term expires on Monday after the second Tuesday in January, 1955.

NO. _____ PAGE _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

ALOIS KRALLIK

vs. Complainant

EMILIE KRALLIK

Respondent.

Oral Deposition

Filed 1-13, 1953

Mueselmann, Register.
Recorded in _____

Vol. _____ Page _____
Record _____

Register.

ALOIS KRALIK ; IN THE CIRCUIT COURT OF
Complainant, : BALDWIN COUNTY, ALABAMA
vs. : IN EQUITY.
EMILI KRALIK :
Respondent. :

ANSWER AND WAIVER

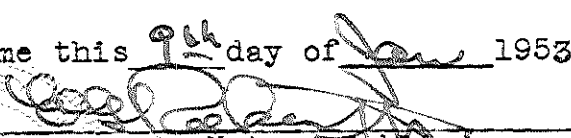
Comes now the Respondent, Emili Kralik, and for answer to the Bill of Complaint heretofore filed against her in said cause says as follows:

1. That she denies each and every allegation of the said Bill of Complaint and demands strict proof thereof.

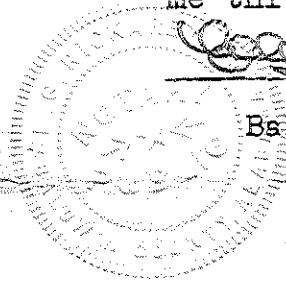
And for further answer to said Bill of Complaint the Respondent hereby accepts service of a copy and notice of the filing of the said Complaint and hereby waives any further notice to her of the day set for hearing, the taking of testimony or the submission for final decree of the above styled cause and does here consent that the same may be submitted and testimony taken without further notice to her.


Emili Kralik

Sworn to and subscribed before
me this 1st day of Jan 1953.


Notary Public
Baldwin County, Alabama.

RECORDED



ALOIS KRALIK,
Complainant

-vs-

EMILI KRALIK,
Respondent

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

ANSWER OF RESPONDENT EMILI KRALIK

Comes the Respondent in the above styled cause and in answer to the Complainant's complaint admits the allegations in paragraph one. Respondent admits the allegation in paragraph two. Respondent denies the allegations in paragraph three and demands strict proof. In further answer and by way of a crossbill, the Respondent adopts the allegations in paragraph one and two in the Complainant's bill and alleges further:

ONE: That the Complainant and Defendant are living separate and apart and that Complainant left the Defendant and has contributed nothing to her support and that she is an elderly woman with very little property or estate and unable to earn a livelihood and that the Complainant has separate property, real estate, and is capable of making a living.

TWO: Respondent's estate is insufficient for her maintenance and she is without funds to pay for her expenses in prosecuting this cause and paying her solicitor.

THREE: Wherefore, Complainant prays that due notice of this, her crossbill, be given to the Complainant and that upon a hearing thereof, Complainant prays that the Court will dismiss Complainant's bill for divorce and order that the Complainant pay such sums as are proper to be allowed out of the estate of the husband for the support of the wife and that the Court will further allow the Respondent reasonable fees for her Solicitor in this cause.

Complainant prays for such other, further or different relief as to equity may seem meet.

RICKARBY & RICKARBY

By: 

Solicitor for Complainant

RICKARBY & RICKARBY

FAIRHOPE, ALABAMA

January 9, 1953

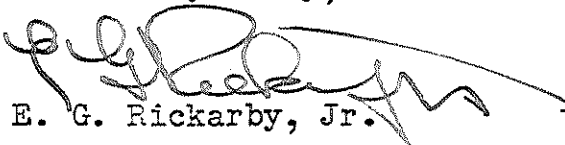
Mrs. Alice J. Duck
Clerk of the Circuit Court
Bay Minette, Alabama

In re: Kralik -vs- Kralik

Dear Mrs. Duck:

Mrs. Kralik the respondent, is today signing an answer and waiver so we are withdrawing answer heretofore filed and it is agreeable with us for Mr. Hendriks to go ahead and prove his case with the property settlement agreement which has been carried out by delivery of a deed as mentioned in the property settlement agreement.

Yours very truly,



E. G. Rickarby, Jr.

EGR:SP
1484