

2859

HARDY HODGES,  
Complainant,  
VS.  
LENA HODGES,  
Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY  
CASE NO. \_\_\_\_\_

Comes now Tolbert M. Brantley, Solicitor of record for the Complainant,  
Hardy Hodges, in the above styled cause and E. G. Rickarby, Solicitor of re-  
cord for the Respondent, Lena Hodges, and acting for the parties they respect-  
fully agree:

1.

That a reasonable amount for compensation of the special Court Reporter  
in this cause; Evelyn Watts, is TWENTY (\$20.00) DOLLARS.

2.

This sum shall be taxed as a part of the cost in this suit.

Tolbert M. Brantley  
Solicitor for Complainant  
E. G. Rickarby  
Solicitor for Respondent

HARDY HODGES,  
Complainant,  
VS.  
LENA HODGES,  
Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY  
CASE NO. \_\_\_\_\_

Comes now Tolbert M. Brantley, Solicitor of record for the Complainant,  
Hardy Hodges, in the above styled cause and E. G. Rickarby, Solicitor/for the  
Respondent, Lena Hodges, and acting for the parties they respectfully agree:

1.

That a reasonable amount for compensation of the special Judge in this  
cause; Telfair J. Washbirm, Jr. is \$10000 DOLLARS.

2.

This sum shall be taxed as a part of the cost in this suit.

Tolbert M. Brantley  
Solicitor for Complainant

E. G. Rickarby  
Solicitor for Respondent

ORDER

HARDY HODGES,

Complainant,

VS.

LENA HODGES,

Respondent.

Y  
Y  
Y  
Y  
Y

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY  
CASE NO. \_\_\_\_\_.

It appearing to the Court that the Complainant in the above styled cause has heretofore filed a motion for a final submission of this cause, and that a copy of this motion has been duly served on the Respondent. It further appearing that this cause is ready for a final submission.

It is therefore, ORDERED, ADJUDGED and DECREED that this cause be and it is set down for a final hearing and submission on the 10<sup>th</sup> day of February 1953, said hearing to be at 10:00 o'clock at the courthouse in Bay Minette, Alabama. It is further ORDERED that a copy of this order be served on the Respondent prior to the date of the hearing.

Done this the 24<sup>th</sup> day of January, 1953.

Julian A. Madlock, Jr.  
SPECIAL JUDGE

M ORIGINAL  
NO 285-9

Received in Sheriff's Office  
this 3 day of Feb, 1953  
TAYLOR WILKINS, Sheriff

Hardy Hodges

vs.

Lena Hodges

Received 3 day of Feb 1953

and on 7 day of Feb 1953

served a copy of the within

in

by service on Lena Hodges

TAYLOR WILKINS, Sheriff  
By Edleigh Headband S

Dep

Filed 1-24-53  
Rec'd  
Clem

MOTION FOR FINAL SUBMISSION

HARDY HODGES,

Complainant,

VS.

LENA HODGES,

Respondent.

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY

CASE NO. 2602.

TO THE HONORABLE TELFAIR J. MASHBURN, JR., SPECIAL JUDGE.


Comes now the Complainant in the above styled cause and shows unto the Court that this cause is now at issue and moves that Your Honor will set it down for final submission at such time and place as the Court may determine.

Notice of this application has this day been given the Sheriff to serve on the Respondent in this cause.

  
SOLICITOR FOR COMPLAINANT

I, Tolbert M. Brantley, solicitor for the Complainant in the above styled cause, hereby certify that Honorable E. G. Rickarby, Jr., attorney at law, Fairhope, Alabama, is the attorney of record for the Respondent in this cause. I further certify that I have mailed a copy of the foregoing motion to said attorney at the address above set out by U. S. Mail, postage prepaid.

This the 20 day of January, 1953.

  
SOLICITOR FOR COMPLAINANT

MOTION FOR FINAL SUBMISSION

ORIGINAL

HARDY HODGES,

Complainant,

vs.

LENA HODGES,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY

CASE NO. 2602.

Received in Sheriff's Office  
this 21 day of Jan 19 53  
TAYLOR WILKINS, Sheriff

received 21 day of Jan 19 53

and on 23 day of Jan 19 53

served a copy of the within motion for

in final submission

by service on Lena Hodges

TAYLOR WILKINS, Sheriff

By H. F. Hall D. S.

FILED  
JAN 21 - 1953

ALICE J. DUCK, Register

APPOINTMENT OF SPECIAL JUDGE

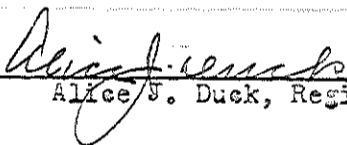
HARDY HODGES,	X	
Complainant,	X	IN THE CIRCUIT COURT OF
VS.	X	BALDWIN COUNTY, ALABAMA.
LENA HODGES,	X	IN EQUITY
Respondent.	X	CASE NO. 2602.

WHEREAS, it having been made known to me that Honorable Hubert M. Hall, Judge of the Circuit Court, had declared himself incompetent to try, hear or render judgment in the above styled cause because of his having been counsel to one of the parties hereto at one time in matters now in dispute and does hereby recuse himself from presiding upon the hearing of said cause and,

WHEREAS, Telfair J. Mashburn, Jr possesses the qualifications of Circuit Judge as provided by law and is a proper person to be appointed as judge to hear said cause;

I therefore appoint Telfair J. Mashburn, Jr to preside as Judge in the above stated cause.

Witness my hand this 20th day of January, 1953.


  
\_\_\_\_\_  
Alice J. Duck, Register in Equity

RECUSAL OF JUDGE

HARDY HODGES,	X	IN THE CIRCUIT COURT OF
Complainant,	X	BALDWIN COUNTY, ALABAMA.
VS.	X	IN EQUITY
LENA HODGES,	X	CASE NO. 2602.
Respondent.	X	

The undersigned, the presiding judge, being incompetent to try, hear or render judgment in this cause because of his having been of counsel to one of the parties hereto at one time in reference to the matters now in dispute does hereby declare such incompetence and recuses himself from presiding upon the hearing of said cause.

Witness my hand this 20 day of January 1953.

  
Hubert M. Hall



ANSWER TO CROSS BILL

HARDY HODGES,

Complainant,

VS.

LENA HODGES,

Respondent.

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

CASE NO. 2859

Comes now the Complainant in the above styled cause and for answer to the Respondent's cross bill says:

F I R S T


He denies the allegations contained in the aspect of the Respondent's cross bill marked and designated "A".

S E C O N D

He denies the allegations contained in the aspect of the Respondent's cross bill marked and designated "B" and says that the true facts are: That the property described in paragraph four of the Complainant's original Bill of Complaint are the fruits of the labor of both the Complainant and Respondent, that the said property was accumulated during their marriage and as a result of their joint efforts.

T H I R D

He denies the allegations contained in the aspect of the Respondent's cross bill marked and designated "C".

  
\_\_\_\_\_  
SOLICITOR FOR COMPLAINANT AND CROSS RESPONDENT

2859

RECORDED

ANSWER TO CROSS BILL

HARDY HODGES,

Complainant,

VS.

LENA HODGES,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY

CASE NO. 2859

FILED 9-15-52

*Henry French*  
REGISTER

HARDY HODGES

COMPLAINANT

VS

LENA HODGES

RESPONDENT

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA,  
IN EQUITY  
NO. 2859

Now comes the Respondent and for answer to the Complainant's bill of complaint says:

1.

She admits the allegations contained in paragraph First and Second.

2.

She denies the allegations contained in paragraph third.

3.


She denies every allegation contained in the bill of complaint not herein specifically admitted and demands strict proof of the same, and for further answer to the Complainant's bill of complaint and praying that this be taken and accepted as her cross bill, she says:

(A) That after her marriage to the Complainant, as set out in the original bill of complaint, the Complainant often threatened and abused her and often did actual violence to her person, which necessarily endangered her life and health; that the conduct of the Complainant toward her was such as to render it absolutely impossible for her to live with him, and gave her every reasonable apprehensions to believe and she did actually believe that if she continued to live with him he would carry out his threats and do further violence to her person which would necessarily endanger her life and health.

(B) That the property described in paragraph fourth of the Complainant's original bill of complaint was acquired through the effort and with funds belonging to the Respondent; that while the title stands in the joint names of the Complainant and the Respondent, the complainant, as a matter of right, contributed nothing toward the purchase of said property and has no interest therein.

(C) That the Complainant is an old man and has complained that he was physically unable to do any work and has as a matter of fact done no work toward the acquisition of the property described in the original bill of complaint and has contributed nothing toward the support and maintenance of this Respondent.

WHEREFORE this Respondent prays that this be taken and accepted as her answer and cross bill; that the said Hardy Hodges by proper process, be made a party hereto and required to plead, answer or demur to this cross bill within the time and under the penalties prescribed by law and the practice of this Honorable Court; the Respondent and cross Complainant ~~further prays that upon a final hearing hereof this court will enter a~~ decree forever barring the bonds of matrimony existing between the said Hardy Hodges and the Respondent; that a further decree be made and entered that this Respondent, Lena Hodges, is the rightful and legal owner of the properties described in the original bill of complaint; that a decree be made and entered requiring the said Hardy Hodges to convey any interest, shown by the records, to be held by the said Complainant to this Respondent and cross complainant and upon final hearing to do so within thirty days after said decree that the Register of this court be authorized, empowered and decreed to execute proper conveyance of any properties standing in the joint names of the Complainant and the Respondent, to this Respondent and cross complainant; that this Honorable Court will give and grant to this Respondent and cross complainant such other, further, different or general relief as she may be entitled to.

  
Solicitor for Respondent and Cross  
Complainant

~~RECORDED~~  
RECORDED

HARDY HODGES

COMPLAINANT

VS

LENA HODGES

RESPONDENT

ANSWER AND CROSS BILL

FILED

AUG 130 1952

ALICE J. DNCK, Register

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 Lena Hodges

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 \_\_\_\_\_

Lena Hodges \_\_\_\_\_, Defendant....

by Hardy Hodges \_\_\_\_\_

\_\_\_\_\_, Plaintiff....

Witness my hand this 29th day of July 1952....

Harold J. Renck \_\_\_\_\_, Clerk

No. 2859

Page

THE STATE OF ALABAMA  
BALDWIN COUNTY

CIRCUIT COURT

HARDY HODGES

Plaintiffs

vs.

LENA HODGES

Defendants

SUMMONS and COMPLAINT

Filed July 29, 19 52

Alice J. Duck, 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

BILL OF COMPLAINT

HARDY HODGES,	X	
Complainant,	X	IN THE CIRCUIT COURT OF
VS.	X	BALDWIN COUNTY, ALABAMA.
LENA HODGES,	X	IN EQUITY
Respondent.	X	CASE NO. _____.

TO THE HONORABLE TELFAIR J. MASHEURN, Jr., JUDGE OF THE TWENTY-EIGHTH JUDICIAL CIRCUIT OF THE STATE OF ALABAMA, IN EQUITY SITTING:

Your Complainant, Hardy Hodges, represents and shows unto Your Honor:

F I R S T

That your Complainant is over the age of twenty-one years and is a resident of the said State and County and has been a bona fide resident citizen of said state for more than two years next preceding the filing of this Bill of Complaint; that your Respondent is over the age of twenty-one years and resides in Baldwin County, Alabama.

S E C O N D

That your Complainant and Respondent were lawfully married on or about, to-wit, October 1, 1942 at Mobile, Alabama.

T H I R D

Your Complainant avers and charges that the said Respondent did on or about the 7th day of July 1952, and many times prior thereto, assault Complainant; that said Respondent has committed actual violence on his person attended with danger to his life or health; Complainant avers and charges that Respondent has made numerous threats of doing him physical harm and has threatened to poison your Complainant and from her manner and conduct toward him he is reasonably convinced that she will commit an actual violence upon his person, attended with danger to his life or health.

F O U R T H

Your Complainant further represents and shows that he and Respondent are the joint owners of the following described property situated in the Town of Daphne, Baldwin County, Alabama, to-wit:

Lots Thirty-three (33), Thirty-four (34), Thirty-five (35) and Thirty-six (36) in Block "B" of the Magnolia Hill Subdivision of Daphne according to the plat thereof recorded in Book 115 at page 33 in the Office of the Judge of Probate Baldwin County, Alabama, the same lying and being in Section 18, Township 5 South, Range 2 East, Baldwin County, Alabama.



Also the following described land to-wit:

The East Half of the Southeast Quarter of the Southwest Quarter of Section 8, Township 7 South, Range 2 East, containing twenty (20) acres, more or less, all lying and being in Baldwin County, Alabama.

That there is on the lands first described, a store building and house, the total value of these four lots, together with the buildings thereon is, in the opinion of your Complainant, worth EIGHT THOUSAND (\$8,000.00) DOLLARS; that the tract of land last described is, in the opinion of the Complainant, worth FIVE HUNDRED (\$500.00) DOLLARS. That the Complainant and Respondent hold a mortgage on a house located at 451 "A" Street, Mobile, Alabama, for ONE THOUSAND (\$1,000.00) DOLLARS.

That in addition to the aforesaid real estate and mortgage they jointly own numerous household goods and the following described personal property: Eleven (11) head of cattle valued at FIFTEEN HUNDRED (\$1,500.00) DOLLARS; a 1950 Chevrolet Pick-up truck valued at ONE THOUSAND (\$1,000.00) DOLLARS; a 1951 Case Tractor and the implements therefor valued at FIFTEEN HUNDRED (\$1,500.00) DOLLARS. This personal property is now in the possession of your Respondent.

That the Respondent has purchased postal savings with the moneys jointly earned by she and the Complainant in the amount of TWENTY-FIVE HUNDRED (\$2,500.00) DOLLARS.

PRAYER FOR PROCESS

To the end that equity may be had in the premises Complainant prays that Your Honor will cause the usual writ of process to issue the said Lena Hodges making her a party Respondent to this Bill of Complaint and requiring her to plead, answer or demur to the within Bill of Complaint within the time and the penalties prescribed by law and the rules of this Honorable Court.

PRAYER FOR RELIEF

The premises considered, your Complainant prays that on a final hearing of this cause Your Honor will make and enter a decree granting to the Complainant a complete and absolute divorce from the said Lena Hodges; that he be permitted to again contract marriage should he so desire. Your Complainant further prays that Your Honor will partition this property in kind in accordance with the equity each holds in the same. The Complainant prays in the alternative; that if Your

Honor finds it impossible to divide said property in kind, that Your Honor will cause the same to be sold under a decree for partition and division of the proceeds of the same.

Complainant prays for all other, further and additional relief which in equity and good conscience he may be entitled to receive in the premises.

*Robert M Brandy*  
\_\_\_\_\_  
SOLICITOR FOR COMPLAINANT

RECUSAL OF JUDGE

HARDY HODGES,

Complainant.

VS.

LENA HODGES,

Respondent.

I

I

X

I

X

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY  
CASE NO. 2602.

The undersigned, the presiding judge, being incompetent to try, hear or render judgment in this cause because of his having been of counsel to one of the parties hereto at one time in reference to the matters now in dispute does hereby declare such incompetence and recuses himself from presiding upon the hearing of said cause.

Witness my hand this \_\_\_\_\_ day of January 1953.

---

Hubert M. Hall

BILL OF COMPLAINT

HARDY HODGES, : IN THE CIRCUIT COURT OF  
Co :  
Complainant, : BALDWIN COUNTY, ALABAMA  
VS. :  
: IN EQUITY  
LENA HODGES, :  
Respondent. : CASE NO. \_\_\_\_\_

TO THE HONORABLE TELFAIR J. MASHBURN, Jr., JUDGE OF THE TWENTY-EIGHTH JUDICIAL CIRCUIT OF THE STATE OF ALABAMA, IN EQUITY SITTING:

Your Complainant, Hardy Hodges, represents and shows unto Your Honor:

F I R S T

That your Complainant is over the age of twenty-one years and is a resident of the said State and County and has been a bona fide resident citizen of said state for more than two years next preceding the filing of this Bill of Complaint; that your Respondent is over the age of twenty-one years and resides in Baldwin County, Alabama.

S E C O N D

That your Complainant and Respondent were lawfully married on or about, to-wit, October 1, 1942 at Mobile, Alabama.

T H I R D

Your Complainant avers and charges that the said Respondent did on or about the 7th day of July 1952, and many times prior thereto, assault Complainant; that said Respondent has committed actual violence on his person attended with danger to his life or health; Complainant avers and charges that Respondent has made numerous threats of doing him physical harm and has threatened to poison your Complainant and from her manner and conduct toward him he is reasonably convinced that she will commit an actual violence upon his person, attended with danger to his life or health.

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Also the following described land to-wit:

The East Half of the Southeast Quarter of the Southwest Quarter of Section 8, Township 7 South, Range 2 East, containing twenty (20) acres, more or less, all lying and being in Baldwin County, Alabama.

That there is on the lands first described, a store building and house, the total value of these four lots, together with the buildings thereon is, in the opinion of your Complainant, worth EIGHT THOUSAND (\$8,000.00) DOLLARS; that the tract of land last described is, in the opinion of the Complainant, worth FIVE HUNDRED (\$500.00) DOLLARS. That the Complainant and Respondent hold a mortgage on a house located at 451 "A" Street, Mobile, Alabama, for ONE THOUSAND (\$1,000.00) DOLLARS.

That in addition to the aforesaid real estate and mortgage they jointly own numerous household goods and the following described personal property: Eleven (11) head of cattle valued at FIFTEEN HUNDRED (\$1,500.00) DOLLARS; a 1950 Chevrolet Pick-up truck valued at ONE THOUSAND (\$1,000.00) DOLLARS; a 1951 Case Tractor and the implements therefor valued at FIFTEEN HUNDRED (\$1,500.00) DOLLARS. This personal property is now in the possession of your Respondent.

That the Respondent has purchased postal savings with the moneys jointly earned by she and the Complainant in the amount of TWENTY-FIVE HUNDRED (\$2,500.00) DOLLARS.

PRAYER FOR PROCESS

To the end that equity may be had in the premises Complainant prays that Your Honor will cause the usual writ of process to issue the said Lena Hodges making her a party Respondent to this Bill of Complainant and requiring her to plead, answer or demur to the within Bill of Complaint within the time and the penalties prescribed by law and the rules of this Honorable Court.

PRAYER FOR RELIEF

The premises considered, your Complainant prays that on a final hearing of this cause Your Honor will make and enter a decree granting to the Complainant a complete and absolute divorce from the said Lena Hodges; that he be permitted to again contract marriage should he so desire. Your Complainant further prays that Your Honor will partition this property in kind in accordance with the equity each holds in the same. The Complainant prays in the alternative; that if Your Honor finds it impossible to divide said property in kind, that Your Honor will cause the same to be sold under a decree for partition and division of the proceeds of the same.

Complainant prays for all other, further and additional relief which in equity and good conscience he may be entitled to receive in the premises.

Tolbert M. Brantley  
SOLICITOR FOR COMPLAINANT

FINAL DECREE

HARDY HODGES,	§	IN THE CIRCUIT COURT OF
Complainant and Cross-respondent,	§	BALDWIN COUNTY, ALABAMA.
VS.	§	IN EQUITY
LENA HODGES,	§	CASE NO. 2602.
Respondent and Cross-complainant.	§	

This cause coming on to be heard was submitted for final decree upon the pleadings and proof as noted by the Register. Upon consideration thereof the Court is of the opinion:

1. That the Respondent and Cross-complainant, Lena Hodges, is entitled to a divorce for and on account of cruelty.
2. That the Complainant and Cross-respondent, Hardy Hodges, should pay the cost in this cause.
3. That Hardy Hodges, the Complainant and Cross-respondent, is the owner of an undivided interest in the property involved in this suit.
4. That the value of the Complainant's interest in said property is THREE THOUSAND ONE HUNDRED FIFTY-SIX and 40/100 (\$3,156.40) DOLLARS and the Court hereby fixes this as the value of Complainant's interest in said property.

It is therefore ordered, adjudged and decreed:

That the bonds of matrimony heretofore existing between the Cross-respondent and the Cross-complainant are dissolved and the said Lena Hodges is forever divorced from the said Hardy Hodges for and on account of cruelty as alleged in her cross-bill of Complaint.

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 Hardy Hodges, the Cross-respondent, pay the cost herein to be taxed, for which execution may issue.

It is further ordered, adjudged and Decreed that when the Cross-complainant, Lena Hodges, pays to the Cross-respondent, Hardy Hodges, the sum <sup>OF</sup> THREE THOUSAND ONE HUNDRED FIFTY-SIX and 40/100 (3,156.40) DOLLARS the said Hardy Hodges will be divested of all right, title and interest he has in and to the property described in his Bill of Complaint.

This 28<sup>th</sup> day of February, 1953.

Jessie A. Madlbery, Jr.  
Special Judge Circuit Court, In Equity

I, Alice J. 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 \_\_\_\_\_ day of \_\_\_\_\_, 1953.

Register of Circuit Court, In Equity.