4/232

MAGDALENA HELMICH,

Complainant,

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

MATH J. HELLMICH,

Respondent.

DECREE

It has been made to appear to the Court that Math J. Hellmich and Magdalena Hellmich were married on the 20th day of October, 1927, and have not lived together as man and wife since the 5th day of September, 1935, the Respondent, Math J. Hellmich, having abandoned the bed and board of the Complainant, Magdalena Hellmich, on or about that time.

And it further being shown to the satisfaction of the Court by the testimony submitted in this cause, that the Respondent, Math J. Hellmich, has contributed nothing to the support of the Complainant, Magdalena Hellmich, Since September of 1935, and it having been further made to appear to the satisfaction of the Court that the said Math J. Hellmich owned, at the time of separation, from the said Magdalena Hellmich, certain real estate in Baldwin County, Alabama, which was purchased under a State Tax Deed in the year 1935, to-wit, Lot eighteen (18), Thielen-Schumaker Addition to the Town of Foley, and,

It having been made to appear to the satisfaction of the Court that the said Magdalena Hellmich is in need of support and maintenance, and none having been received from her said husband, as aforesaid.

And it being made to appear to the satisfaction of the Court that the said Respondent has voluntarily and with no cause, abandoned the bed and board of the said Complainant,

And it being found by the Court that the Complainant is occupying certain properties in Baldwin County, Alabama, the legal title of which is in the name of the Respondent, to-wit, Lot eighteen (18), Thielen and Schumakers Addition to the Town of Foley, being in the Northeast Quarter ($NE^{\frac{1}{4}}$) of the Southwest Quarter ($SW^{\frac{1}{4}}$) of Section twenty-nine (29), Township seven (7)

c. G. C.

South, Range four (4) East, and it having been made to appear to the Court that the Respondent in no wise recognizes and assumes his legal obligations of support, and maintenance, of the Complainant herein,

And it being made to appear to the satisfaction of the Court that the Respondent herein has not supported or contributed to the support of the Complainant herein, and that it would be to the best interest of the Complainant herein to have the ownership of the real estate described in the Bill of Complaint,

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the Complainant, Magdalena Hellmich, be and she hereby is, awarded all right, title and interest of the said Math J. Hellmich, in and to that certain real estate in Baldwin County, Alabama, described as Lot eighteen (18), of Thielen and Schumakers Addition to the Town of Foley, being in the Northeast Quarter (NE½) of the Southwest Quarter (SW½) of Section twenty-nine (29), Township seven (7) South, Range four (4) East, Baldwin County, Alabama, for her maintenance and support, and that the said Math J. Hellmich be and he is hereby directed by the Court to make conveyance to her of all his right, title and interest therein,

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon his failure or refusal to execute said conveyance within a period of thirty (30) days from and after this date, that the Register of this Court may execute said conveyance in his name and stead, and in his behalf, thereby vesting all his right, title and interest in the Complainant, Magdalena Hellmich,

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a copy of this Decree be placed of record in the office of the Judge of Probate of Baldwin County, Alabama.

DONE this the 14 day of Office, 1958.

Sudge of Probate

ALICE J. DUCK, CLERK

THE STATE OF ALABAMA BALDWIN COUNTY

Circuit Court of Baldwin County, Alabama (In Equity)

MAGDALENA HELLMICH, COMPLAINANT

MATH J. HELLMICH, RESPONDENT

I, Frances G. Mallory

as Register and Commissioner in Chancery

have called and caused to come before me Magdalena Hellmich and Frank Hellmich

witness es named in the requirement for Oral Examination, on the 23rd day of May

19 58 , at the office of C. G. Chason

Foley

, Alabama, and having first sworn said witness es

to speak the

truth, the whole truth, and nothing but the truth, the said Magdalena Hellmich and Frank Hellmich,

doth depose and say as follows:

My name is Magdalena Hellmich. I am over the age of twenty-one years and a resident citizrn of Baldwin County, Alabama having been such a resident citizen since 1930. Math J. Hellmich is over the age of twenty-one years citizen since 1930. Math J. Hellmich is over the age of twenty-one years and is not a resident of Alabama. I believe him now to be residing near Fort Jennings, Ohio. We were married on October 20, 1926, and are still husband and wife. On the 5th day of September, 1935, Math J. Hellmich abandoned me in Foley, Baldwin County, Alabama, leaving me without money and with no means of support. We have not lived together as husband and wife since that time, nor have I received any support from him since September of 1935. In 1935 Math J. Hellmich received a State Tax Deed for Lot 18, Thielen & Schumacher's Addition to Foley, having purchased this property at a Tax Sale. He is still the owner of record of this property, although my son has paid taxes on it since 1937. As far as I know he has no other property in Alabama, either real or personal. I am of the Catholic faith and do not desire a complete divorce, but do believe that I should be entitle to the real estate owned by my husband, in order that I might, if necessary, make proper conveyance, to use the proceeds from any sale for my maintenance and support.

SIGNED: Magdelen Hellmich

My name is Frank Hellmich. I am over the age of twenty-one years and a resident of Foley, Baldwin County, Alabama. I am the son of Magdalena Hellmich. After her marriage to Math J. Hellmich in 1926, I was legally adopted by him. In September of 1935, Math J. Hellmich deserted and abandoned my mother in Baldwin County, Alabama, with no cause, and since that time has paid nothing for her support and maintenance. She was left destitute and it has been difficult to provide adequate support for her. Math J. Hellmich became the purchaser of Lot 18 of Thielen & Schumacher's addition to Foley in 1935, and is still the owner of record, although I have paid all taxes on this property since 1937. I velieve that this property should be awarded by the Court to Magdalena Hellmich to be used by her as she sees fit, to provide support and maintenance. My mother has been a she sees fit, to provide support and maintenance. My mother has been a resident of Alabama since 1930, and he is a resident of Ohio. Thielen & Schimacher's Addition to Foley is located in the NE+ of the SW+ of Section

29, Township 7 South, Range 4 East.

SIGNED: Frank J. Telluil

lung di Memulat benging panda 🗝 ya besistati.

I, FRANCES G. MALLORY as Register and Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down in writing by me in the words of the witness es and read over to them and they signed the same in the presence of myself and C. G. Chason

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 23rd day of May , 19 58

	CLERK CLERK CLERK CLERK CLERK CLERK CLERK CLERK Recox Recox Recox Page Recox Registe	ORAL DEPOSITION Filed File OCT 1 Register	MAGDALENA HELIMICH COMPLAINAN NATH J. HELIMICH RESPONDEN	THE STATE OF ALABAMA BALDWIN COUNTY IN CIRCUIT COURT, IN EQUITY
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CECIL G. CHASON ATTORNEY-AT-LAW FOLEY. ALABAMA April 21, 1958

Mrs. Alice J. Duck, Register Bay Minette, Alabama

Dear Mrs. Duck:

Enclosed herewith is Motion for Decree Pro Confesso after Notice by Registered Mail, and Decree Pro Confesso after Notice by Registered Mail, in the action of Hellmich -vs-Hellmich.

Yours very truly,

C. Chason

CGC:fm

encls. 2

CECIL G. CHASON

ATTORNEY-AT-LAW
FOLEY, ALABAMA

September 30, 1958

Mrs. Alice J. Duck, Register Bay Minette, Alabama

Dear Mrs. Duck:

Enclosed herewith is Testimony of Magdalena Hellmich and Frank Hellmich, Note of Testimony, Commission to take Deposition, and suggested Decree in the case of Hellmich -vs- Hellmich, being case #4232.

Your's very truly

C. G. Chason

CGC:fm

encls. as noted.

CECIL G. CHASON ATTORNEY-AT-LAW FOLEY. ALABAMA March 3, 1958

Mrs. Alice J. Duck, Register Bay Minette, Alabama

Dear Mrs. Duck:

Enclosed herewith is Bill of Complaint for separate maintenance of Magdalena Hellmich -vs- Math J. Hellmich.

You will note that his last known Post Office address was Route #3, Fort Jennings, Ohio, therefore, request that you serve him by Registered Mail.

Yours very truly,

chason

CGC:fm

encls. 2

THE STATE OF ALABAMA Baldwin County

Circuit Court

TO: FRANCES G. MALLORY

KNOW YE: That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, as such time and place as you may appoint, to call before you and examine Magdalena Hellmich and Frank Hellmich

a witness in behalf of Magdalena Hellmich Circuit Court in Baldwin County, of said State, wherein in a cause pending in our

Magdalena Hellmich

, Complainant

and

Math J. Hellmich

Respondent

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

Witness 26th

day of

April

, 1958

Poricion

Commissioner's Fee, \$ 5.00

Witness' Fees, \$

THE STATE OF ALABAMA Baldwin County

CIRCUIT COURT

MAGDALENA HELLMICH

Complainant

VS.

MATH J. HELIMICH

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

WITNESSES:

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CECIL G. CHASON

ATTORNEY-AT-LAW
FOLEY, ALABAMA

December 4, 1958

Mrs. Alice J. Duck, Register Bay Minette, Alabama

Dear Mrs. Duck:

Enclosed herewith is a Motion to Dismiss the Donie Burton -vs- John Burton Divorce proceeding, which has not yet been served.

Please call up Wilkins' office and have the copy returned to you without service.

Yours very truly,

C. G. Chason

CGC:fm

encls. 1

CECIL G. CHASON ATTORNEY-AT-LAW FOLEY, ALABAMA

December 8, 1958

Mrs. Alice J. Duck, Register Bay Minette, Alabama

Dear Mrs. Duck:

I am enclosing herewith a suggested conveyance to be executed by you in the case of Magdalena Hellmich -vs-Math J. Hellmich. If found suitable, the original should be placed of record and returned to us, and the copy placed in the file of the case.

Please let me know what additional charges are incurred, and I will obtain check from Frank and mail it to you immediately.

Yours very truly,

C. C. Chadon

CGC:fm

encls. as noted.

4232

INSTRUCTIONS TO DELIVERING EMPLOYEE

DELIVER ONLY TO ADDRESSEE (20¢ additional)

SHOW ADDRESS WHERE DELIVERED IN ITEM 4 BELOW (31¢ additional)

RECEIPT

Received from the Postmaster the Registered, Certified, or Insured Article, the number of which appears on the face of this return receipt.

1. SIGNATURE OR NAME OF ADDRESSEE

X

2. SIGNATURE OF ADDRESSEE'S AGENT (Agent should enter addressee's trame in item I above)

3. DELIVERY DATE

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MAGDALENA HELLMICH,

Complainant,

-vs
MATH J. HELLMICH,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

TO THE HONORABLE H. M. HALL, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, Sitting in Equity:-

Comes the Complainant, Magdalena Hellmich, and respectfully shown unto this Honorable Court the following:-

- l. That she is over the age of twenty-one years and a resident citizen of Baldwin County, Alabama, having been such a resident citizen for more than one year; that Math J. Hellmich is over the age of twenty-one years and is not a resident of the State of Alabama, his last known Post Office address being Route #3, Fort Jennings, Ohio.
- 2. That the Complainant and the Respondent were intermarried on the 20th day of October, 1927, and are still husband and wife, although on the 5th day of September, 1935, the Respondent voluntarily and with no cause, abandoned the bed and board of the Complainant in Foley, Baldwin County, Alabama, leaving her destitute and with no means of support, and that they have not lived together as husband and wife since that time.
- 3. Complainant further shows that she has received no support from the Respondent since the date of his abandonment. Complainant further shows unto the Court that the Respondent is the owner, in his own name and right, of the following described real estate in Baldwin County, Alabama, which he purchased prior to their separation, to-wit:- Lot eighteen (18), Thielen and Schumacher's Addition to Foley, being in the Northeast Quarter (NE¹/₄) of the Southwest Quarter (SW¹/₄) of Section twenty-nine (29), Township seven (7) South, Range four (4) East. Complainant further shows that to the best of her knowledge, information and belief, the Respondent has no other property or assets, either real or personsl, in Alabama.

PRAYER FOR PROCESS AND RELIEF

HELIMICH be made a party Respondent to this Bill of Complaint by service by Registered Mail as in the case of non-residents, and the Statutes in such cases made and provided, requiring him to plead, answer or demur within the time, and in the manner provided by law; that upon a final hearing of this cause, that she be awarded the real estate hereinabove described, as and for support and maintenance; that the Respondent, Math J. Hellmich, be directed by the Court to make conveyance to her of all his right, title and interest therein, and on his failure or refusal to execute said conveyance within the period of thirty (30) days, that the Register execute said conveyance in his name and stead, thereby vesting title in the Complainant. Complainant further prays for such other, further, different or general relief to which she may be entitled and as in duty bound she will ever pray.

Solicitor for Complainant

The State of Alabama,	Circuit Court, Baldwin County
Baldwin County.	No
Baidwin County.) TERM, 19
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TO ANY SHERIFF OF THE STA	TE OF ALABAMA:
You Are Hereby Commanded to Sur	nmon
	Wata d. Hellmich
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to appear and plead, answer or demu	r, 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
	, Defendant
Sath J. Sellm	
by	kuix
Witness my hand this	day of Mur 1956 Clerk
* 44	
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taken as	confessed again	nst the said	Matn	J. Hellmic	
	this the22nc				h Defendant , 19_58



No. 4232

CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

In Equity.

	MA	GD	LENA	HEL	IMICH
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Vs.

MATH J. HELLMICH

DECREE PRO CONFESSO AFTER NOTICE BY REGISTERED MAIL

Filed in office this #	day of
APR ED	
- AUS 1. 80 1958	, Register
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The Baldwin Times, Bay Minette, Alabama

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MAGDALENA HELLMICH	
	THE STATE OF ALABAMA
	Baldwin County
VS.	
MATH J. HELLMICH	IN EQUITY
<u> </u>	Circuit Court of Baldwin County
	"
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Motion for Decree Pro Confesso aft	ter Notice by Registered Mail,
Mecree Pro Confesso after Notice	by Registered Mail, Commission
to take Depositions, and Testimony	of Magdalena Hellmich and Frank
Hellmich	
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and in behalf of Defendant upon	
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	A. S. O. S.
	live J. Which
(Housey	Register.
Solicitor for Complainant	"

No
THE STATE OF ALABAMA Baldwin County
IN EQUITY Circuit Court of Baldwin County
MAGDALENA HELLMICH
VS.
MATH J. HELLMICH
Note of Testimony
Filed in Open Court this
lay of, 19, 19, 19, Register.
Register.

MOORE PRINTING CO., BAY MINETTE, ALA.

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MAGDALENA HELMICH.

Complainant,

-VS-

MATH J. HELLMICH.

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

DECREE

It has been made to appear to the Court that Math J.

Hellmich and Magdalena Hellmich were married on the 20th day of

October, 1927, and have not lived together as man and wife since

the 5th day of September, 1935, the Respondent, Math J. Hellmich,

having abandoned the bed and board of the Complainant, Magdalena

Hellmich, on or about that time.

And it further being shown to the satisfaction of the Court by the testimony submitted in this cause, that the Respondent, Math J. Hellmich, has contributed nothing to the support of the Complainant, Magdalena Hellmich, Since September of 1935, and it having been further made to appear to the satisfaction of the Court that the said Math J. Hellmich owned, at the time of separation, from the said Magdalena Hellmich, certain real estate in Baldwin County, Alabama, which was purchased under a State Tax Deed in the year 1935, to-wit, Lot eighteen (18), Thielen-Schumaker Addition to the Town of Foley, and,

It having been made to appear to the satisfaction of the Court that the said Magdalena Hellmich is in need of support and maintenance, and none having been received from her said husband, as aforesaid,

And it being made to appear to the satisfaction of the Court that the said Respondent has voluntarily and with no cause, abandoned the bed and board of the said Complainant,

And it being found by the Court that the Complainant is occupying certain properties in Baldwin County, Alabama, the legal title of which is in the name of the Respondent, to-wit, Lot eighteen (18), Thielen and Schumakers Addition to the Town of Foley, being in the Northeast Quarter (NE%) of the Southwest Quarter (SW%) of Section twenty-nine (29), Township seven (7)

South, Range four (4) East, and it having been made to appear to the Court that the Respondent in no wise recognizes and assumes his legal obligations of support, and maintenance, of the Complainant herein,

And it being made to appear to the satisfaction of the Court that the Respondent herein has not supported or contributed to the support of the Complainant herein, and that it would be to the best interest of the Complainant herein to have the ownership of the real estate described in the Bill of Complaint,

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the Complainant, Magdalena Hellmich, be and she hereby is, awarded all right, title and interest of the said Math J. Hellmich, in and to that certain real estate in Baldwin County, Alabama, described as Lot eighteen (18), of Thielen and Schumakers Addition to the Town of Foley, being in the Northeast Quarter (NEt) of the Southwest Quarter (SWt) of Section twenty-nine (29), Township seven (7) South, Range four (4) East, Baldwin County, Alabama, for her maintenance and support, and that the said Math J. Hellmich be and he is hereby directed by the Court to make conveyance to her of all his right, title and interest therein,

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon his failure or refusal to execute said conveyance within a period of thirty (30) days from and after this date, that the Register of this Court may execute said conveyance in his name and stead, and in his behalf, thereby vesting all his right, title and interest in the Complainant, Magdalene Hellmich,

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a copy of this Decree be placed of record in the office of the Judge of Probate of Baldwin County, Alabama.

	DONE this	s the _	Lith	day c	of <u>October</u> , 1958.	
1, Alice J. Duck, Ragis Alabama, do hereby ce	tion of the or					
Alabama, do hereby ce	rior of the Orca	ic Court of	Baldwin C	ounty,		
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STATE OF ALABAMA
BALDWIN COUNTY

WHEREAS, that on the 14th day of October, 1958, a Decree was rendered in the Circuit Court of Baldwin County, Alabama, in Equity, wherein it was provided that Math J. Hellmich convey to Magdalena Hellmich certain real estate in Baldwin County, Alabama, hereinafter more particularly described, and,

WHEREAS, said Decree further provided that upon the failure or refusal of the said Math J. Hellmich to execute said conveyance within a period of thirty (30) days from and after the date of issuance of said Decree, that the Register of the Court should execute said conveyance in his name and stead, and in his behalf, thereby vesting all of his right, title and interest in said property to the said Magdalena Hellmich, and,

	WHER	EAS,	a cop	y of sa	aid De	cree	was]	placed	of:	record	in	the
offic	e of	the	Judge	of Pr	obate	of B	a <u>ldwi</u> r	n Count	БУ _э	Alabam	a, (n
the _		day	7 of _					_, 1958	3, b	eing r	'e c 01	rded
in _			Book	***	, Pa	ges _		والمرابع المرابع	9	and,		

It having been made to appear to the satisfaction of Alice J. Duck, Register in Equity, of the Circuit Court of Baldwin County, Alabama, that the said Math J. Hellmich has failed or refused to execute said conveyance to this date,

NOW, THEREFORE, THIS INDENTURE, made and entered into by and between MATH J. HELLMICH, acting by and through Alice J. Duck, Register in Equity, of the Circuit Court of Baldwin County, Alabama, hereinafter referred to as party of the first part, and MAGDALENA HELLMICH, hereinafter referred to as party of the second part, WITNESSETH:-

That in consideration of and conformity with the Becree of the Circuit Court of Baldwin County, Alabama, in Equity Sitting, Math J. Hellmich, acting by and through Alice J. Duck, Register, as aforesaid, herein referred to as party of the first part, has and by these presents does hereby REMISE, RELEASE, QUIT CLAIM and CONVEY unto Magdalena Hellmich, herein referred to as the party of the second part, the following described real property situated in Baldwin County, Alabama, viz:-

Lot eighteen (18) of Thielen and Schumaker's Addition to the Town of Foley, being in the Northeast Quarter (NE+) of the Southwest Quarter (SW+) of Section twenty-nine (29), Township seven



(7) South, Range four (4) East.

TO HAVE AND TO HOLD unto the said Magdalena Hellmich, her heirs and assigns, FOREVER.

IN WITNESS WHEREOF, the said Math J. Hellmich, acting by
and through Alice J. Duck, as Register as aforesaid, has hereunte
set his hand and affixed his seal, on this the day of
December, 1958.
SEA
Math J. Hellmich
Register
STATE OF ALABAMA
BALDWIN COUNTY
I,, a Notary Public in
and for said County in said State, hereby certify that ALICE J.
DUCK, whose name as Register of the Circuit Court of Baldwin
County, Alabama, In Equity, is signed to the foregoing instru-
ment, and who is known to me, acknowledged before me on this
date that, being informed of the contents of the said instrument,
she, as such Register, and with full authority, executed the
same voluntarily on the day the same bears date.
Given under my hand and Notarial Seal hereto affixed by me
on this theday of December, 1958.
Notary Public, Baldwin County
(affix Seal) State of Alabama



(7) South, Range four (4) Zee.

TO HAVE AND TO HOLD unto the said Magdalena Hellmich, her helrs and assigns, FORSVER.

IN WITWISS WHEREOF, the said Math J. Hellmich, acting by and through Alice J. Duck, as Register as aforesaid, has hereunto set his hand and affixed his seal, on this the _____ day of December, 1998.

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STATE OF ALABAMA
SALDWIN COUNTY

and for said County in said State, hereby certify that ALICE J.

2000, whose name as Register of the Circuit Court of Baldwin

County, Alabama, in Equity, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this
dete that, being informed of the contents of the said instrument,
she, as such Register, and with full authority, executed the

Given under my hand and Morarial Seal hereto affixed by me on this the _____day of Lecember, 1958.

(Less rates)

Notery Public, Baldwin County