

(4184)

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

LAVON H. PROPST, Complainant

vs.

FRANK P. PROPST, JR., Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree~~ ~~Confession~~ ~~Waiver and Answer~~ 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 LAVON H. PROPST is forever divorced from the said FRANK P. PROPST, JR. for and on account of

"CRUELTY"

It is further ORDERED, ADJUDGED AND DECREED that the Written Agreement between the parties, submitted to the Court as Exhibit "A" to the bill of complaint, be, and it is hereby, ratified and confirmed and made a part hereof as though fully set out herein, and both parties are directed and ordered to keep and abide by the terms and provisions of said Written Agreement.

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 futher ordered that the Complainant and Respondent be, and they are hereby permitted to again contract marriage upon payment of the cost of this suit.

It is further ordered that FRANK P. PROPST, JR. the Respondent pay the cost herein to be taxed, for which executed may issue.

This 6th day of December 19 57

[Signature] 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. 4184 Page \_\_\_\_\_

THE STATE OF ALABAMA  
BALDWIN COUNTY

In Circuit Court, In Equity

Complainant

vs.

Respondent

DIVORCE DECREE

FILED  
DEC 8 1957  
ALICE J. DUCK, Clerk

THE STATE OF ALABAMA,  
BALDWIN COUNTY

Circuit Court of Baldwin County, Alabama  
(In Equity)

LAVON H. PROPST COMPLAINANT

vs.

FRANK P. PROPST, JR. RESPONDENT

I, DORIS BROWN

as Register and Commissioner

have called and caused to come before me LAVON H. PROPST

witness named in the requirement for Oral Examination, on the 11th day of September 19 57, at the office of Telfair J. Mashburn, Jr.

in Bay Minette, Alabama, Alabama, and having first sworn said witness to speak the truth, the whole truth, and nothing but the truth, the said Lavon H. Propst

doth depose and say as follows: "My name is

Lavon H. Propst. I am the complainant in this cause and I am over the age of eighteen and I am a bona fide resident citizen of Baldwin County, Alabama, residing in Bay Minette, Alabama. The respondent, Frank P. Propst, Jr., is over the age of twenty-one years and lives in Baldwin County, Alabama. I married the respondent in Bay Minette, Alabama, on the 1st day of February, 1953. For the first year or two of our married life, my husband and I got along fine. But for the past year, or two, we have been having lots of trouble. On many occasions, he has threatened me with physical violence, and I finally became convinced that, should I continue to live with him as his wife, he would carry out his threats and would commit an actual physical violence to my person which would endanger my life or health. Because of my husband's treatment of me, I was forced to leave him on the night of September 7th, 1957, and I am sure that we shall never again be able to live together as husband and wife. We have one child, a little boy, Frank W. Propst, who is eight months of age. I believe I am the proper person to have the care, custody and control of this child. I do not believe my husband is the proper person to have the care, custody and control of this child. However, I will be glad for my husband to visit this child at all reasonable times." Further deponent says not.

*Lavon H. Propst*

**ORAL EXAMINATION**

I, DORIS BROWN 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 \_\_\_\_\_ and read over to her and she signed the same in the presence of myself and Telfair J. Mashburn, Jr.

at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness \_\_\_\_\_ or had proof made before me of the identity of said witness \_\_\_\_\_; 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 December, 19 57

Doris Brown (L. S.)

No. 4184 Page \_\_\_\_\_

**THE STATE OF ALABAMA,**  
BALDWIN COUNTY

**IN CIRCUIT COURT, IN EQUITY**

LAVON H. PROBST

COMPLAINANT

vs.

FRANK P. PROBST, JR.

RESPONDENT

**ORAL DEPOSITION**

Filed \_\_\_\_\_ 19 \_\_\_\_\_

**FILED**

DEC 6 1957

Register:

RECORDED IN  
ALICE J. BROWN, Register

Record

Vol. \_\_\_\_\_ Page \_\_\_\_\_

Register:

LAVON H. PROPST

Complainant

vs.

FRANK P. PROPST, JR.

Respondent

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

No. ....

### DEMAND FOR ORAL EXAMINATION

COMES the Complainant, by attorney, and represents to the Court as follows:

1. That the following named witnesses reside within one hundred miles from  
Bay Minette ....., in the County of Baldwin .....,  
Alabama, the place of trial of said cause, to-wit: Lavon H. Propst .....

2. That said Complainant requires an oral examination of said witnesses before a Commissioner appointed by the Register of this Court.

J. J. Madbury Jr.  
Solicitor for Complainant

NOTE:

Complainant suggests the name of Doris Brown .....,  
as a suitable and competent person to act as commissioner upon the examination of said witnesses.

J. J. Madbury Jr.  
Solicitor for Complainant.

4184

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DEMAND FOR ORAL EXAMINATION

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LAVON H. PROPST

Complainant

vs.

FRANK P. PROPST, JR.

Respondent

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IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

IN EQUITY

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FILED

Filed this DEC 6 day of 1957

194. .... ALICE J. DYCK, Register

Register

THE STATE OF ALABAMA

Baldwin County

Circuit Court

TO: Doris Brown

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 LAVON H. PROPST

a witnesses in behalf of LAVON H. PROPST in a cause pending in our Circuit Court in Baldwin County, of said State, wherein LAVON H. PROPST

is the Complainant and FRANK P. PROPST, JR.

is the Respondent on oath, to be by you administered, upon her 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 December, 1957

Register.

Commissioner's Fee, \$

Witness' Fees, \$

LAVON H. PROPST

vs.

FRANK P. PROPST, JR.

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, Waiver and Answer, and testimony of Lavon H. Propst.

and in behalf of Defendant upon Waiver and Answer.

*J. J. Madbury Jr.*

*Arice J. Buck*

Register.



No. \_\_\_\_\_

**THE STATE OF ALABAMA**  
**Baldwin County**

**IN EQUITY**  
Circuit Court of Baldwin County

*Jawon H. Probst*

VS.

*Frank P. Probst, Jr.*

**Note of Testimony**

Filed in Open Court this **FILED**  
day of **DEC 6**, 19**1957**

**ALICE J. DUCK, Register**  
Register.

LAVON H. PROPST,  
Complainant,  
VS.  
FRANK P. PROPST, JR.,  
Respondent.

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

WAIVER AND ANSWER

Comes the respondent in the above styled cause and accepts service of a copy of the bill of complaint in said cause; waives notice of the filing of interrogatories in said cause, and the right to cross same; waives notice of the taking of testimony in said cause, and consents that the same may be taken and the cause submitted for final decree at any time, without further notice to him.

And for answer to the bill of complaint, respondent says;

1. He admits the allegations contained in paragraph 1 of said bill of complaint.
2. He admits the allegations contained in paragraph 2 of said bill of complaint.
3. He denies each and every allegation contained in paragraph 3 of said bill of complaint and demands strict proof of the same.
4. He admits the allegations contained in paragraph 4 of said bill of complaint.
5. He admits the allegations contained in paragraph 5 of said bill of complaint.

Frank P. Propst Jr.

EXECUTED IN THE PRESENCE OF:

Jeffrey J. Madbury Jr.



LAVON H. PROPST,  
Complainant,  
VS  
FRANK P. PROPST, JR.,  
Respondent.

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IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NO. \_\_\_\_\_

TO THE HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA, IN EQUITY SITTING:

Your complainant, LAVON H. PROPST, respectfully represents  
and shows unto your Honor and this Honorable Court as follows:

1. That your complainant is over the age of eighteen years  
and is a bona fide resident citizen of said State and County; that  
FRANK P. PROPST, JR., is over the age of twenty-one years and re-  
sides in Baldwin County, Alabama;

2. That your complainant and the respondent were lawfully  
married at Bay Minette, Alabama, on, to-wit: the 1st day of  
February, 1953;

3. That the respondent has made numerous threats of doing  
your complainant physical harm and from his manner and conduct to-  
ward her, she is reasonably convinced that he will commit an actual  
violence upon her person, attended with danger to her life or health;  
that, because of his treatment of her, your complainant was forced to  
leave the bed and board of the respondent on, to-wit: the 1<sup>st</sup> day of  
September, 1957, and, since that time, she has not returned  
to live with him as his wife, nor does she intend to do so.

4. That there is one child as a result of this union, FRANK  
W. PROPST, a son, age ~~ten~~ months; that your complainant is a fit and  
proper person to have the care, custody and control of said child;  
and that respondent is not a fit and proper person to have the care,  
custody and control of said child.

5. That your complainant and the respondent have entered into  
a written agreement with regard to custody of the above named child,  
support for him, and a settlement of their respective property rights,  
a copy of which agreement is attached hereto, marked Exhibit "A", and  
by reference made a part hereof as though fully set out herein.

THE PREMISES CONSIDERED, Your complainant makes the said FRANK  
P. PROPST, JR., a party respondent to this bill of complaint, and,  
in order that complainant may have the relief hereinafter prayed  
for, may it please your Honor to cause the State's writ of Subpoena

to be issued, directed to the said FRANK P. PROPST, JR., commanding him to plead, answer, or demur to this bill of complaint within the time required by law.

Your complainant further prays that, on a final hearing of this cause, your Honor will make and enter a decree forever divorcing your complainant from the respondent, giving to your complainant full care, custody and control of their infant son, FRANK W. PROPST, with rights of reasonable visitation in the said respondent, and ratifying and confirming the written agreement embodied in Exhibit "A", heretofore referred to, and ordering both parties to abide by, and live up to, the agreements therein contained; and your complainant prays for such other, further, different or general relief as in equity and good conscience she may be entitled to receive, and, as in duty bound, your complainant will ever pray, etc.

J. A. MacLure, Jr.  
SOLICITOR FOR COMPLAINANT.

EXHIBIT "A"

SEPARATION AGREEMENT

THIS AGREEMENT, Made and entered into on this the 8<sup>th</sup> day of November, 1957, by and between FRANK P. PROPST, JR., hereinafter referred to as the party of the first part, and LAVON H. PROPST, hereinafter referred to as the party of the second part:

WITNESSETH:

WHEREAS, the parties hereto have been husband and wife for a period of more than four years, and, as a result of said union have one child, FRANK W. PROPST, who is now ten months of age; and

WHEREAS, said parties have definitely concluded that under conditions now existing it is impracticable for them to live together as husband and wife;

NOW, THEREFORE, IN CONSIDERATION THEREOF, and of the mutual agreements hereinafter made, they have mutually agreed to a complete separation under the following express terms and conditions:

1. The said parties shall entirely and completely separate as husband and wife, live separate and apart, and neither party hereafter shall in any way harass, threaten, intimidate, or otherwise act in any way so as to embarrass or humiliate the other party.

2. The party of the second part shall have the care, custody and control of the minor child, FRANK W. PROPST, and the party of the first part shall have the right to visit said child at reasonable times and to have said child visit him at reasonable times.

3. The party of the first part agrees to pay to the party of the second part for the support and maintenance of said minor child the sum of Fifty (\$50.00) Dollars, on or before the 10th day of each month, and to pay any unusual or extraordinary medical, hospital or dental expenses that may be necessary for and on behalf of said child. It being understood and agreed that in consideration of the prompt payment of the said sum of Fifty (\$50.00)/per month, <sup>Dollars</sup> and such sums for medical, hospital or dental expenses as may become due, the said party of the first part shall be, and hereby is, released from any further obligation of any kind or character, by way of alimony, court decree or otherwise, to contribute toward

the support and maintenance of said child, or of the party of the second part, and that he will not in any way be liable for any debts that may be incurred by the said party of the second part.

It is further understood and agreed that the party of the second part is to have possession of and all right, title and interest in and to the following items of personal property, now in the home owned jointly by the parties hereto: the deep freeze, electric refrigerator, and television set; and the party of the first part hereby agrees to execute such conveyances as may be necessary to convey title to the said articles to the party of the second part.

It is further understood and agreed that the party of the first part is to have exclusive possession, control of, and title in and to all other property, real and personal, owned jointly by the parties hereto; and the party of the second part hereby agrees to execute such conveyances as may be necessary to convey proper title to the said party of the first part.

4. In the event the party of the second part should file suit for a divorce against the party of the first part, it is, and shall be, agreed and thoroughly understood that the party of the first part denies that the said party of the second part has grounds for a divorce; but in the event the Court, upon a hearing, should decide the party of the second part is entitled to a divorce, then it is agreed and understood that this agreement and all of its terms shall be submitted to the Court for its approval, and shall be binding upon the parties only if the Court approves it.

5. It is further understood and agreed that under such conditions the Court thereafter shall reserve and maintain its right, in the interest and welfare of the minor child, to make such changes in reference to the custody, control and support of the child as the Court may determine, after proper hearing with due notice, is in the best interest of the child.

THIS AGREEMENT has been made and executed by the parties hereto in good faith, on the day and date first above set forth, with full understanding of all of its provisions, and with the mutual

promise on the part of each to comply therewith faithfully and completely.

Frank P. Lopez Jr. (SEAL)  
Laura H. Lopez (SEAL)

EXECUTED IN THE PRESENCE OF:

Debra J. Madbury Jr.  
Debra J. Madbury Jr.