

3424

**DIVORCE DECREE**

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

Vivian Ann Lucassen, Complainant

vs.

Johnnie E. Lucassen, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Pro Confession~~ taken orally in open Court ~~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 heretofore existing between the Complainant and Defendant be, and the same are hereby, dissolved, and that the said

Vivian Ann Lucassen is forever divorced from the said Johnnie E. Lucassen for and on account of Adultery. Vivian Ann Lucassen is awarded the full care, custody and control of Ann Lucassen, Johnny Lucassen, Jr., David Lucassen, Robert Lucassen, Michael Lucassen, and Richard Lucassen, and Johnnie E. Lucassen shall have the right to visit them at reasonable and proper times. Johnnie E. Lucassen shall pay Vivian Ann Lucassen the sum of Forty Dollars (\$40.00) on Saturday of each week, beginning December 18, 1954, for the support and maintenance of the above named children. Should Complainant become indebted in an amount in excess of Twenty-five Dollars (\$25.00) in any one month for medical or hospital expenses for such children, Respondent shall pay any amount so incurred in excess of Twenty-five Dollars (\$25.00). Respondent shall pay hospital and medical bills which have accrued to date.

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 Johnnie E. Lucassen the Respondent pay the cost herein to be taxed, for which execution may issue.

This 17th day of December, 1954.

Hubert M. Hae  
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. 3424 Page \_\_\_\_\_

THE STATE OF ALABAMA  
BALDWIN COUNTY

In Circuit Court, In Equity

Complainant

vs.

Respondent

DIVORCE DECREE

FILED  
DEC 17 1954  
ALICE L. DICK, Register

VIVIAN ANN LUCASSEN  
(CASOLARE),

Complainant,

Vs.

JOHNNIE E. LUCASSEN,

Respondent.

X

X

X

X

X

X

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

IN EQUITY

CASE NO. 3424

DECREE

This cause coming on to be heard is submitted upon the pleading filed in this cause and upon the testimony taken ore tenus and upon consideration of the same, the Court finds:

1. That the Complainant and the Respondent were divorced from one another in this Court by a Decree dated the 17th day of December, 1954. That the Complainant Vivian Ann Lucassen (Casolare) was given the care, custody and control of the minor children born to this union. These children are: Ann Lucassen, Johnny Lucassen, Jr., David Lucassen, Robert Lucassen, Michael Lucassen, Richard Lucassen. The Court ordered the Respondent to pay the Complainant the sum of \$40.00 each week as support for said minor children.

2. That at the time of this divorce, these children were of the following ages: Ann Lucassen, 17 years of age; Johnny Lucassen, Jr., 15 years of age; David Lucassen, 13 years of age; Robert Lucassen, 12 years of age; Michael Lucassen, 7 years of age; Richard Lucassen, 4 years of age.

3. That the Respondent reduced the amount of payment he was making to the Complainant in 1955 and is in arrears at this time.

4. That no complaint was made by the Complainant in this cause until the 24th day of March, 1966. That it would not be in the interest of justice to require the Respondent at this late date to pay support back of this date.

It is, therefore, ORDERED, ADJUDGED and DECREED by the Court as follows:

1.

That the Complainant's prayer for support money in arrears be, and the same is hereby denied.

2.

That the Respondent pay to the Complainant in the future beginning the 16th day of April, 1966, the sum of \$40.00 per week for support of the minor children now living with the Complainant.

3.

That the Respondent be, and he is hereby taxed with the cost of this proceeding, for which let execution issue.

Done this the 12th day of April, 1966.

John A. Wadsworth  
Judge, 28th Judicial Circuit of Alabama

VIVIAN ANN LUCASSEN,  
Complainant  
VS.  
JOHNNIE E. LUCASSEN,  
Respondent.

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

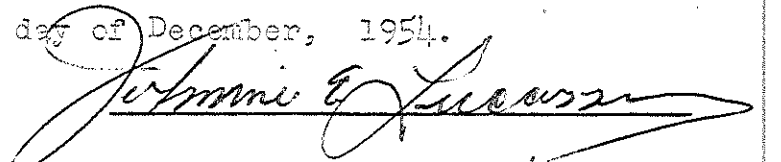
STIPULATION:

It is stipulated and agreed by and between the parties hereto as a property division in lieu of alimony that Johnnie E. Lucassen has this day transferred to Vivian Ann Lucassen his interest in their home, which is now located on Single Tax Colony property, in the Town of Fairhope, Alabama; that the transfer was made subject to an existing mortgage of approximately SEVEN HUNDRED FIFTY NINE (\$759.00) DOLLARS, which mortgage has been assumed by Vivian Ann Lucassen. That the parties have also agreed between themselves as follows:

That Vivian Ann Lucassen should have the care, custody and control of the children named in the complaint, with the right of the Respondent, Johnnie E. Lucassen, to visit them at reasonable and proper times.

That the Respondent, Johnnie E. Lucassen, should pay the Complainant, Vivian Ann Lucassen, the sum of FORTY (\$40.00) DOLLARS a week, beginning, Saturday, December 18th, 1954. That in addition to this amount, the Respondent, Johnnie E. Lucassen, has agreed that he will pay medical and hospital bills which have previously been incurred, and should she have, for the children, serious medical expenses in the future which exceed TWENTY FIVE (\$25.00) DOLLARS per month, the Respondent, Johnnie E. Lucassen, agrees to pay the amount of such bills in excess of TWENTY FIVE (\$25.00) DOLLARS in any one month.

Dated this 17th day of December, 1954.

  
Vivian Ann Lucassen

STATE OF ALABAMA )  
BALDWIN COUNTY )

IN THE CIRCUIT COURT - IN EQUITY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Johnnie E. Lucassen to appear and plead, answer or demur, within thirty days from the service hereof, to the Bill of Complaint filed in the Circuit Court of Baldwin County, Alabama, In Equity, by Vivian Ann Lucassen, as Complainant, against Johnnie E. Lucassen, as Respondent.

Witness my hand this 17 day of December, 1954.

*Vivian Ann Lucassen*  
Register.

VIVIAN ANN LUCASSEN,

Complainant,

vs.

JOHNNIE E. LUCASSEN,

Respondent.

I

I IN THE CIRCUIT COURT OF

I BALDWIN COUNTY, ALABAMA

I IN EQUITY

I

Comes your Complainant, Vivian Ann Lucassen, and files this her Bill of Complaint for divorce against Johnnie E. Lucassen, and shows unto your Honor and unto this Honorable Court as follows:

FIRST:

That your Complainant and the Respondent are over the age of twenty-one years, and are both resident citizens of Baldwin County, Alabama, residing at Fairhope, and that they have been such residents for more than two years last past.

SECOND:

That your Complainant and the Respondent were married on heretofore, to-wit, June 11, 1936, and lived together as man and wife until July 3, 1954, when, on account of the matters hereinafter complained of, your Complainant was compelled to live separate and apart from the Respondent; That in June, 1954, the Respondent committed acts of adultery with a person whose name is known to your

Complainant and whose name can be furnished if the Respondent and the Court desire; that the Respondent admitted to your Complainant about that time that he was committing such acts of adultery and intended to continue to do so.

THIRD:

That there were born of the marriage between your Complainant and the Respondent the following named children, viz: Ann Lucassen, seventeen years of age, Johnny Lucassen, Jr., sixteen years of age, David Lucassen, twelve years of age, Robert Lucassen, nine years of age, Michael Lucassen, three years of age, and Richard Lucassen, one year of age. That your Complainant is a fit and proper person to have the care, custody and control of such children and that the Respondent is not a fit and proper person to have their care, custody and control. That your Complainant has no money or property with which to properly support and educate such children and the Respondent is able to pay your Complainant sufficient amounts to properly educate and support such children. That your Complainant has employed Chason & Stone as her Solicitors of Record to prosecute this cause of action and she is unable to pay them a reasonable Solicitor's fee for their services in the matter. That your Complainant has incurred hospital and medical expenses which the Respondent should be required to pay.

PRAYER FOR PROCESS AND RELIEF:

The premises considered, your Complainant prays that the above named Johnnie E. Lucassen be made a party Defendant to this cause by the usual writ or process of this Honorable Court requiring him to appear and plead, answer or demur within the time and under the penalties prescribed by the rules of this Court and the Statutes in such cases made and provided; that upon a final hearing of this cause that your Honor will award your Complainant custody and control of her minor children herein named and will order and decree that such Respondent shall pay your Complainant the sum of Forty Dollars (\$40.00) a week as support for such children. That your Honor will also order and decree that the Respondent pay all present medical and hospital bills which have accrued for your Complainant and the children and should medical or hospital expenses accrue in the future

for such children in an amount in excess of Twenty-five Dollars (\$25.00) a month that the Respondent be ordered to pay the excess of such expenses over and above Twenty-five Dollars (\$25.00) in any one month. That your Honor will also order and decree that the Respondent be required to pay Chason & Stone a reasonable Solicitor's fee for their services in prosecuting this cause; that your Honor will also grant unto your Complainant an absolute divorce from said Respondent and will decree that the parties be allowed to remarry if they see fit. Should your Complainant be mistaken in the relief prayed for, that there be granted to her such other, further and different relief to which she may be entitled and as in duty bound she will ever pray.

Vivian Ann Lucassen  
Complainant.

STATE OF ALABAMA

BALDWIN COUNTY

Before me, [Signature], a Notary Public, in and for said State and County, personally appeared Vivian Ann Lucassen, who after being by me first duly and legally sworn, says:

That the allegations contained in the foregoing Bill of Complaint are true.

Vivian Ann Lucassen

Sworn to and subscribed before  
me, this 17<sup>th</sup> day of December, 1954.

[Signature]  
Notary Public, Baldwin County, Ala.

FILED

12-17-54

ALICE J. DUCK, Clerk



STATE OF ALABAMA

IN THE CIRCUIT COURT - IN EQUITY

BALDWIN COUNTY

TO: ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Vivian Ann Lacassen Casolare to appear within thirty days from the service of this Writ in the Circuit Court to be held for said County at the place of holding same, then and there to answer the petition of Johnnie E. Lucassen.

Witness my hand this 2nd day of November, 1966.

Alice J. Duck  
Clerk

VIVIAN ANN LUCASSEN	X	
(CASOLARE),	X	IN THE CIRCUIT COURT OF
Complainant,	X	
vs	X	BALDWIN COUNTY, ALABAMA
JOHNNIE E. LUCASSEN,	X	
Respondent.	X	IN EQUITY NO. 3424
	X	

PETITION FOR MODIFICATION  
OF DECREE

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

Comes your Petitioner, the undersigned Johnnie E. Lucassen, and respectfully represents and shows unto Your Honor and unto this Honorable Court as follows:

ONE:

That this Honorable Court did, on April 12, 1966, enter

an order or decree in this cause in and by the terms of which your Petitioner was ordered to pay to the Complainant, Vivian Ann Casolare, his former wife, the sum of \$40.00 per week for the support of the minor children now living with her in Fairhope, Alabama.

TWO:

That since the rendition of said decree Robert Lucassen has become twenty-one years of age, is gainfully employed and is no longer dependent upon your Complainant for support. That Michael Lucassen and Richard Lucassen are the only two children of your Petitioner and the Complainant who are now living with the Complainant. That there has been a change in circumstances since the rendition of said decree of April 12, 1966 in that the number of minor children now living with the Complainant has been reduced from three children to two children.

THIRD:

That the sum of \$40.00 per week is more than necessary to provide for the proper maintenance and support of the said Michael Lucassen and Richard Lucassen.

PRAYER FOR PROCESS

Your Petitioner prays that upon the filing of this Petition this Honorable Court will cause its usual writ of process to be issued and served upon the Complainant together with a copy of this petition requiring her to plea, answer or demur within the time allowed by law and the rules of this Honorable Court.

PRAYER FOR RELIEF


Your Petitioner further prays that upon a final hearing of this cause that this Honorable Court will enter an order or

decree modifying it's decree of April 12, 1966 by reducing the amount to be paid by your Petitioner to the Complainant for the support, maintenance and education of the said Michael Lucassen and Richard Lucassen. And your Petitioner prays for such other, further and different relief as in the premises may be meet and property and to which, in equity, he might be entitled.

Respectfully Submitted

CHASON, STONE & CHASON

By:

  
Attorneys for Petitioner

FILED

NOV 2 1966

ALICE L. DUCK, CLERK  
REGISTER

*J. Hope*  
3424

10

*J. Hope*

day of Nov.

day of Nov.

1966

Petition

Vivian Ann Lucassan Casolare,  
Complainant

Vivian Ann Lucassan Casolare

vs.

By service of *J. Hope*

TAYLOR WILKINS, Sheriff

By *Roy Randall*

Johnnie E. Lucassen,  
Respondent

turned *8* day of *Nov.* 1966  
it found in my county after diligent search and in-  
try.

Taylor Wilkins, Sheriff

By *Roy Randall*

Deputy Sheriff

PETITION TO MODIFY  
DECREE

FILED

NOV 2 1966

ALICE A. DUCK, CLERK  
REGISTER

Lives in (La.)

Sheriff claims *70* miles at

Ten Cents per mile Total \$ *7.00*

TAYLOR WILKINS, Sheriff

BY *Roy Randall*

DEPUTY SHERIFF

VIVIAN ANN LUCASSEN  
(CASOLARE),

Complainant

Vs.

JOHNNIE E. LUCASSEN,

Respondent

X  
X  
X  
X  
X  
X  
X  
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X  
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X  
X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY CASE NO. 3424

ANSWER TO PETITION FOR MODIFICATION OF DECREE

Comes now the Complainant in the above styled cause and answers to the Respondent's Petition for Modification of Decree as follows:

1.

The Complainant admits the allegations of Section One.

2.

The Complainant for answer to Section Two says that Robert Lucassen has been self-supporting for the past five years and the Complainant avers that the Court was aware of this at the time of its prior Decree and there has been no change of circumstances which would warrant amending said Decree.

3.

The Complainant denies the allegations of Section Three.

WILTERS & BRANTLEY

BY:

*Soenen M Brantley*  
Attorney for Complainant

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 18 day of Nov 1966 served a copy of the foregoing petition for all parties to this proceeding by mail, and by registered mail, properly addressed, and that this postage prepaid.

WILTERS & BRANTLEY  
By: *Soenen M Brantley*

FILED

NOV 17 1966

MADE I DICK, CLERK  
REGISTER

VIVIAN ANN LUCASSEN  
(CASOLARE),

Complainant,

vs.

JOHNNIE E. LUCASSEN,

Respondent.

X

X

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X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 3424

DECREE OF MODIFICATION

This cause coming on to be heard on the Petition of Johnnie E. Lucassen for modification of the Decree of this Court of April 12, 1966, in this cause, was submitted to the Court on said petition, the answer filed on behalf of the Complainant and the testimony of the Respondent, the Complainant and Robert Lucassen taken in open court and transcribed by the Court Reporter; and the Court having considered all of the above is of the opinion that the Respondent is entitled to have said decree of April 12, 1966, modified as hereinafter set forth; it is, therefore

ORDERED, ADJUDGED and DECREED by the Circuit Court of Baldwin County, Alabama, that the Decree of April 12, 1966, heretofore entered in this cause be, and the same is hereby modified to the extent that the Respondent is hereby ordered to pay to the Complainant the sum of Thirty Dollars (\$30.00) per week for the support of the minor children now living with the Complainant, rather than the sum of Forty Dollars (\$40.00) per week as set forth in said Decree of April 12, 1966.

It is further ORDERED and DECREED by the Court that the Respondent pay the costs of this proceeding for which let execution issue.

Done this 2nd day of December, 1966.

J. Blair H. Madaleno  
Circuit Judge

DEC 7 1966  
FILED  
CLERK  
REGISTER

3424 3424  
Marian Lucassen  
Casolare  
veg

Johnnie Lucassen

FILED

DEC 7 1966

ALICE J. DUCK, CLERK  
REGISTER

VIVIAN ANN LUCASSEN,

Complainant,

vs.

JOHNNIE E. LUCASSEN,

Respondent.

I

I

I IN THE CIRCUIT COURT OF

I BALDWIN COUNTY, ALABAMA

I

IN EQUITY

I

ANSWER AND WAIVER

Comes the Respondent in the above styled cause and for answer to the Bill of Complaint filed in said cause and each and every paragraph thereof, says:

1. Respondent admits the allegations of the First Paragraph of the Bill of Complaint.

2. Respondent admits the allegations of the Second Paragraph of the Bill of Complaint as to the date of marriage and date of separation, but Respondent denies all other allegations of this paragraph and demands strict proof thereof.

3. Respondent admits the allegations of the Third Paragraph of the Bill of Complaint.

Respondent hereby accepts service of a copy of the Summons and Complaint in this cause and waives further service of same. Respondent also waives notice of taking of testimony in this cause and notice of submission of said cause and agrees that the testimony may be taken and the cause submitted without further notice to him.

*Johnnie E. Lucassen*

Witness

*James M. Bailey*

FILED

12-17-54

ALICE J. ROCK, Clerk



VIVIAN ANN LUCASSEN,  
Complainant,  
VS.  
JOHNNIE E. LUCASSEN,  
Respondent.

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

MRS. VIVIAN ANN LUCASSEN, The Complainant, BEING FIRST DULY  
SWORN, TESTIFIED AS FOLLOWS:

Examination by Mr. Chason.

Q. Is your name Vivian Ann Lucassen?

A. Yes, sir.

Q. Are you the wife of Johnnie E. Lucassen?

A. I am.

Q. Are you both over the age of 21 years?

A. Yes, sir.

Q. Are you both resident citizens of Baldwin County, Alabama?

A. Yes, sir.

Q. Where do you reside?

A. Fairhope, Alabama.

Q. How long have you been resident citizens of Fairhope?

A. 18 years.

Q. When did you and Johnnie E. Lucassen marry?

A. June 11, 1936.

Q. Are you all living together as man and wife at this time?

A. No, sir.

Q. When did you separate?

A. July 3, 1954.

Q. Mrs. Lucassen, in the latter part of June or the first of  
July of 1954, did you learn that your husband, Johnnie E.  
Lucassen, had committed acts of adultery?

A. Yes, sir.

Q. Were those acts supposed to have been committed in June of 1954?

A. Yes, sir.

Q. Who did he commit these acts of adultery with in June, 1954?

A. Frances Clark.

Q. Did your husband, Johnnie E. Lucassen, admit to you that he had committed such acts of adultery?

A. Yes, sir.

Q. Did he say anything about continuing to do so?

A. Yes, sir, he said that he intended to keep right on.

Q. Have you lived separate and apart from him since then?

A. Yes, sir.

Q. How many children have you?

A. Six.

Q. In the complaint we have named Ann Lucassen, seventeen years of age, Johnny Lucassen, Jr., sixteen years of age, David Lucassen, twelve years of age, Robert Lucassen, nine years of age, Michael Lucassen, three years of age and Richard Lucassen, one year of age. Are those your children and Johnnie E. Lucassen's children?

A. Yes, sir.

Q. Are you a fit and proper person to have the custody and control of those children?

A. Yes, sir.

Q. Do you have a home in which to raise them?

A. Yes, sir.

Vivian Ann Lucassen

Certificate of Reporter:

I hereby certify that the foregoing, consisting of pages 1 and 2 correctly sets forth a true and correct transcript of the testimony in the case of Vivian Ann Lucassen, Complainant vs. Jonnnie E. Lucassen, Respondent, taken in open Court before Hon. Hubert M. Hall, Judge of said Court, on this 17th day of December, 1954.

This 17th day of December, 1954.

Louise Dunning  
Court Reporter