

4303

DIVORCE DECREE

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

JUNE L. WIXEY

, Complainant

vs.

HENRY D. WIXEY

, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Pro Confession~~ 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 June L. Wixey is forever divorced from the said Henry D. Wixey for and on account of

Cruelty. IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the court that said Complainant, June L. Wixey, shall have the care, custody and control of said minor child, Kathy D. Wixey, age about 2 years.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the court that the Respondent, Henry D. Wixey, shall pay to the Complainant, June L. Wixey, the sum of \$96.90 per month, for 5 years or until the said Complainant remarries whichever occurs first, as maintenance and support for said minor child, Kathy D. Wixey, upon said occurrence maintenance and support shall be the sum of \$50.00 per month thereafter.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Respondent shall have reasonable rights of visitation with said child, Kathy D. Wixey.

It is futher 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 futher ordered that Henry D. Wixey the Respondent pay the cost herein to be taxed, for which executed may issue.

This 28 day of June 1958

Habers m itae
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

JUNE L. WIXEY

Complainant

vs.

HENRY D. WIXEY

Respondent

DIVORCE DECREE

FILED

JUN 28 1958

ALICE J. DUCK, Register

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summons HENRY D. WIXEY, 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 JUNE L. WIXEY, as Complainant and against HENRY D. WIXEY, as Respondent.

WITNESS my hand this the 13 day of June, 1958.

Alice J. Duck
Register

JUNE L. WIXEY	*	IN THE CIRCUIT COURT OF
	*	
COMPLAINANT	*	BALDWIN COUNTY, ALABAMA.
	*	
VS	*	IN EQUITY.
	*	
HENRY D. WIXEY	*	CASE NO. _____
	*	
RESPONDENT	*	

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

Your Complainant, June L. Wixey, respectfully represents unto Your Honor and this Honorable Court as follows:

1.

That your Complainant is over the age of 18 and a resident of Baldwin County, Alabama, and has been more than two years next preceeding; The Respondent is over the age of 21 and a resident of Baldwin County, Alabama, and has been more than two years next preceeding.

2.

That your Complainant and the Respondent married at Pascagoula, Mississippi on May 23, 1955, and lived together as husband and wife in Baldwin County, Alabama, until May 26, 1958.

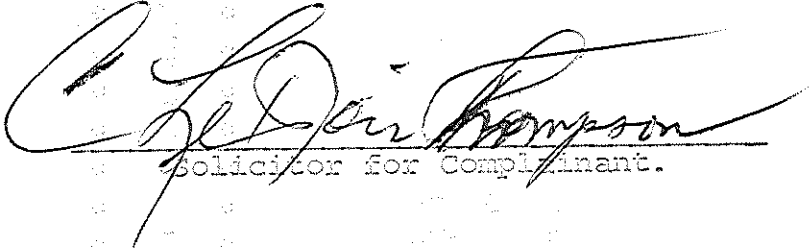
3.

That on May 26, 1958,, and on several ocassions prior thereto the Respondent threatened and abused the Complainant and threatened to do actual violence to her person which would necessarily endanger her life and health. The conduct of the Respondent was such as to give the Complainant every reasonable apprehension to believe and she did actually believe that if she continued to live with him he would carry out his threats and do actual violence to her person, which would necessarily endanger her life and health.

There was born as fruits of this marriage between the Complainant and the Respondent one child, Kathy D. Wixey, age about two years, and there is no property to be divided.

WHEREFORE, the premises considered, your Complainant prays that your Honor will by proper procedure make the said Henry D. Wixey, party Respondent to this bill of complaint requiring him to plead, answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

Your Complainant further prays that upon a hearing hereof, your Honor will enter an order and decree granting to her an absolute decree of divorce, forever barring the bonds of matrimony existing between her and the Respondent; and that a decree be made awarding to the Complainant the care, custody and control of the minor child, Kathy D. Wixey, age about two years; Your Complainant prays for such other, further, different or general relief as she may be in equity and good conscience entitled to receive.


Solicitor for Complainant.

4304

JUNE L. WILKEY

COMPLAINANT

VS

HENRY D. WILKEY

RESPONDENT

SUMMONS AND COMPLAINT

FILED

JUN 13 1958

ALICE J. DUCK, Register

JUNE L. WIXEY

COMPLAINANT

VS

HENRY D. WIXEY

RESPONDENT

* IN THE CIRCUIT COURT OF
*
* BALDWIN COUNTY, ALABAMA.
*
* IN EQUITY.
*
* CASE NO. _____
*
*

Now comes the Respondent and accepted service of the summons and complaint in this cause.

The Respondent admits the allegations as to the ages, marriage and residence, but denies all other allegations contained in the bill of complaint, and demands strict proof of the same.

The Respondent waives notice of the time of taking of testimony on behalf of the Complainant, the right to cross-examine Complainant's witnesses; and agrees that this cause be submitted for final decree without further notice.

The Respondent acknowledges that the Complainant herein is a fit, suitable and proper person to have the care, custody and control of KATHY D. WIXEY, born as fruits of this marriage and further,

Acknowledges that an agreement concerning the reasonable support of the said child has been entered into between the parties hereto which is in words and figures as follows: That for a period of five years immediately following said maintenance and support shall be the sum of \$96.90 a month or until the said complainant remarries which ever occurs first, and that the reasonable sum for the maintenance and support of the child thereafter shall be the sum of \$50.00 a month.

Henry D. Wixey

STATE OF ALABAMA
BALDWIN COUNTY

I, C. D. Thompson, a Notary Public, in and for said County, in said State, hereby certify that Henry D. Wixey, 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 seal on this the 11th day of June, 1958.

C. D. Thompson
Notary Public, Baldwin County, Alabama.

JUNE L. WIXEY

COMPLAINANT

VS

HENRY D. WIXEY

RESPONDENT

* * * * *

ANSWER AND WAIVER

* * * * *

FILED

JUN 13 1958

ALICE J. DUCK, Register

JUNE L. WIXEY

vs.

HENRY D. WIXEY

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, _____
 Testimony of June L. Wixey and Ann E. Williams.

and in behalf of Defendant upon Answer and Waiver.

Alice J. Duck

Register.

E. L. Davis Thompson

No.

THE STATE OF ALABAMA

Baldwin County

IN EQUITY

Circuit Court of Baldwin County

JUNE L. WILKEY

vs.

HENRY D. WILKEY

NOTE OF TESTIMONY

Filed in Open Court this

day of **F I L D**, 194

JUN 13 1958

ALICE J. DUCK, Register.

Printed by the Baldwin Times

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA
Baldwin County

Circuit Court

TO: LOIS WILSON

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 June L. Wixey and Ann E. Williams

a witness in behalf of June L. Wixey in a cause pending in our
Circuit Court in Baldwin County, of said State, wherein June L. Wixey

, Complainant

and Henry D. Wixey

Respondent

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

Witness 13 day of

June

, 1958

Alice J. Duck
Register.

Commissioner's Fee, \$

Witness' Fees, \$

No.

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

JUNE L. WIXEY

VS. Complainant

HENRY D. WIXEY

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

LOIS WILSON

WITNESSES:

JUNE L. WIXEY
ANN E. WILLIAMS

THE STATE OF ALABAMA

Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)JUNE L. WIXEY

Complainant

VS.

HENRY D. WIXEY

Respondent

I, Lois Wilson

as Register and Commissioner

have called and caused to come before me June L. Wixey and Ann W. Williams

witness es named in the Requirement for Oral Examination, on the 11th day of June 1958, at the office of C. LeNoir Thompson in Bay Minette, Alabama, and having first sworn said Witness es to speak the truth, the whole truth, and nothing but the truth, the said June L. Wixey and Ann E. Williams doth depose and say as follows:

That my name is June L. Wixey, I am over the age of 18 and the Respondent Henry D. Wixey is over the age of 21. We are residents of the State of Alabama and have lived in Baldwin County more than two years next preceding. We were married on May 23, 1955 at Pascagoula, Mississippi and lived together as husband and wife until on or about May 26, 1958 at which time we separated and have not lived together as husband and wife since that occasion. The cause of our separation was the Respondent struck and abused me, threatening my life or health and he had beat and abused me on prior occasions, striking me about the face and head and I knew that if I continued to live with him he would carry out his threats. I know that we will never live together again as husband and wife. There was born as fruits of our marriage one child, Kathy D. Wixey, age about two years. I have had her care, custody and control since birth and respectfully ask the court to grant to me her permanent care, custody and control. In reaching a property agreement with the Respondent we have agreed that the Respondent will provide as maintenance and support for our child Kathy D. Wixey the sum of \$96.90 a month for a period of 5 years or until I shall remarry whichever occurs sooner. After this payment has terminated in accordance with this agreement we have agreed that a reasonable sum for the maintenance and support of our child Kathy shall be the sum of \$50.00 a month and the court is respectfully asked to so order.

June L. Wixey

That my name is Ann E. Williams, I know both parties to this cause, the complainant is over the age of 18 and the Respondent is over the age of 21 and both have been residents of the State of Alabama more than two years next preceding. They were married in Pascagoula, Mississippi on May 23, 1955 and lived together as husband and wife until on or about May 26, 1958 at which time the separation occurred without fault on the part of the complainant. The Respondent beat and abused the complainant threatening her life or health and because he had struck and abused her on prior occasions by the Respondent she was in fear of her life or health and was forced to leave the Respondent. There has been born as fruits of their marriage one child, Kathy D. Wixey, age about 2 years. The Complainant has had the care, custody and control of this child since birth and I recommend the Complainant is a fit, suitable and proper person to have the care, custody and control of the said child. I do not believe they will ever live together again as husband and wife.

Ann E. Williams

ORAL EXAMINATION.

I, Lois Wilson, as Register and Commissioner hereby certify that the foregoing deposition 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 and C. LeNoir Thompson at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness es or had proom made before me of the identity of said witness es; that I am not of counsel or 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 11th day of June, 1958.

Lois Wilson (L. S.)

NO. _____ PAGE _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

JUNE L. WIXEY

vs. Complainant

HENRY D. WIXEY

Respondent.

Oral Deposition

Filed FIL'D, 1958

JUN 13 1958, Register,

ALICE J. DUCK
Recorder

Record

Vol. _____ Page _____

Register