

(3674)

DIVORCE DECREE

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The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

LYDIA ANN RICE

Complainant

vs.

WILLIAM E. RICE, JR.

Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Pro Confesso~~ 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 Lydia Ann Rice is forever divorced from the said William E. Rice, Jr. for and on account of Cruelty. And it is further ordered, adjudged and decreed that the real property owned jointly by the parties in Sec. 6, T7S, R2E, Baldwin County, Alabama is vested in Complainant and Complainant shall assume mortgage indebtedness thereon, Complainant shall have all household furniture, assume household debts; Respondent to pay all current utility bills, Ross Jewelry Co. indebtedness, and payments on water heater and stove; Complainant to have title to 1949 4-door Dodge automobile and to assume indebtedness thereon.

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 payment of the cost of this suit.

It is further ordered that Lydia Ann Rice the Complainant pay the cost herein to be taxed, for which executed may issue.

This 19th day of December, 1955

Hubert M. Stall
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

LYDIA ANN RICE

Complainant

vs.

WILLIAM E. RICE, JR.

Respondent

DIVORCE DECREE

FILED
DEC 17 1955
ALICE L. DICK, Register

The State of Alabama,
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

LYDIA ANN RICE

Complainant

VS.

WILLIAM E. RICE, JR.

Respondent

I, _____
as Register and Commissioner _____
have called and caused to come before me Lydia Ann Rice and Mrs. Ruth Vitenberg

witness Ernest M. Bailey named in the Requirement for Oral Examination, on the 9th day of December
1955, at the office of Ernest M. Bailey, Attorney at Law,
in Fairhope, Alabama, and having first sworn said Witness Ernest M. Bailey to speak the
truth, the whole truth, and nothing but the truth, the said Lydia Ann Rice and
Mrs. Ruth Vitenberg doth depose and say as follows:

My name is Lydia Ann Rice and I am a resident of Baldwin County, Alabama. I am over the age of twenty-one years and am the Complainant in the above styled cause. The Respondent and I lived together as man and wife until October 7, 1955. On that day he had been drinking heavily and threatened to do bodily harm to my person. We were riding in our automobile and he told me to get out-that he wanted me standing up so he could knock me down. I refused to get out of the car. On numerous occasions prior to that time he had actually struck me. The Respondent is a heavy drinker and has a violent temper on such occasions when he is drinking. I am of the opinion that if we continue to live together he will do me physical harm and bodily injury.

Lydia Ann Rice
Lydia Ann Rice

My name is Mrs. Ruth Vitenberg. I am a resident of Mobile County, Alabama and am over the age of twenty-one years. I have known Mrs. Lydia Ann Rice for more than fifteen years. I knew her during the time she was married to William E. Rice, Jr. I know that on numerous occasions Mrs. Rice has told me that her husband had threatened her with bodily harm. I have heard her complain of Mr. Rice's heavy drinking. I have also seen Mrs. Rice when she was emotionally upset as a result of these encounters with her husband.

Mrs. Ruth Vitenberg
(Mrs.) Ruth Vitenberg.

ORAL EXAMINATION

I, Barbara J. Thomas, as Register and Commissioner hereby certify that the foregoing deposition is 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 Ernest M. Bailey, Attorney at Law

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 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 9th day of December, 1955.

Barbara J. Thomas (L. S.)

No. 3679

Page

The State of Alabama
Baldwin County.

In Circuit Court, In Equity

LYDIA ANN RICE

vs. Complainant

WILLIAM E. RICE, JR.

Respondent

Oral Deposition

Filed _____, 19____

FILED

DEC 19 1955

Register

Recorded in

4001 1 1955, Register

Record

Vol. _____ Page _____

Register

COMMISSION TO TAKE DEPOSITIONS

B.T.-2-49-200

THE STATE OF ALABAMA
Baldwin County

Circuit Court

TO: Barbara J. Thomas
Fairhope, Alabama

KNOW YE: That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, at such time and place as you may appoint, to call before you and examine Lydia Ann Rice and Mrs. Ruth Vitenberg

as witnesses in behalf of Lydia Ann Rice in a cause pending in our Circuit Court in Baldwin County, of said State, wherein

Lydia Ann Rice, Complainant

and

William E. Rice, Jr. Respondent

on oath, to be by you administered, upon Lydia Ann Rice and Ruth Vitenberg to take and certify the depositions of the witnesses and return the same to our Court, with all convenient speed, under your hand.

Witness glt day of December, 1945

[Signature]
Register.

Commissioner's Fee, \$ _____

Witness' Fees, \$ _____

RECORDED

No. 3679

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

Lydia Ann Rice
Complainant

VS.

William E. Rice, Jr.
Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

Barbara J. Thomas

WITNESSES:

Lydia Ann Rice

Ruth Vitenberg

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Lydia Ann Rice

vs.

William E. Rice, 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, _____

Oral Depositions of Lydia Ann Rice and Ruth Vitenberg

and in behalf of Defendant upon Answer and Waiver

Lydia Ann Rice

Attorney for Complainant

Allyson W. ...

Register.

No. 3679.....

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

Lydia Ann Rice

vs.

William E. Rice, Jr.

NOTE OF TESTIMONY

Filed in Open Court this
day of FILED, 194

DEC 19 1955

ALICE A. DOCK, Register.

STATE OF ALABAMA)
BALDWIN COUNTY)

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

TO ANY SHERIFF OF THE STATE OF ALABAMA :

You are hereby commanded to summon William E. Rice, Jr. to appear and plead, answer or demur, within thirty days from the service of this writ, to the Bill of Complaint filed in the Circuit Court of Baldwin County, Alabama, In Equity, by Lydia Ann Rice, as Complainant, against William E. Rice, Jr., as Respondent.

Witness my hand this ____ day of December, 1955.

Register

LYDIA ANN RICE,	:	IN THE CIRCUIT COURT OF
	:	
Complainant	:	BALDWIN COUNTY, ALABAMA
	:	
vs.	:	IN EQUITY
	:	
WILLIAM E. RICE, JR.	:	
	:	
Respondent	:	

Comes your Complainant, Lydia Ann Rice, and files this her Bill of Complaint for divorce against William E. Rice, Jr., 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 that they are both resident citizens of Fairhope, Baldwin County, Alabama, for more than one year next preceding the filing of this Bill of Complaint.

SECOND:

That your Complainant and the Respondent were married on, to-wit, June 30, 1954 at Lucedale, Mississippi, and lived together as man and wife until on, to-wit, the 7th day of October, 1955, when, on account of the matters hereinafter complained of, your Complainant was compelled to live separate and apart from the Respondent; that on the date of separation and at times prior thereto, the Complainant states that the Respondent committed acts of violence on her person,

attended with danger to her health and life; Complainant avers and charges that Respondent has made numerous threats of doing her physical harm and from his manner and conduct toward her, she is reasonably certain that he will commit such violence on her person, attended with danger to her life and health.

THIRD:

That your Complainant and the Respondent are jointly possessed of real property located in Baldwin County, Alabama and described as follows, to-wit:

From the Southeast corner of Section 6, Township 7 South, Range 2 East, run North on the North and South section line 3950.5 feet to a point, thence West 25 feet for a point of beginning, thence continue West on the same line 1295 feet to the North and South one-quarter section line, thence North on said quarter section line 122.5 feet, thence East 1295 feet, thence South 122.5 feet to the point of beginning, containing three and five-eighths acres.

PRAYER FOR PROCESS AND RELIEF

The premises considered, your Complainant prays that the above named William E. Rice, Jr. 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 Your Honor will award your Complainant the property set forth and described above. That Your Honor will 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.

Le
James M. Bailey
 Solicitor for Complainant

3679

BILL OF COMPLAINT

Lydia Ann Rice,
Complainant

vs.

William E. Rice, Jr.
Respondent

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

FILED

DEC 19 1955

ALICE J. DICK, Register

STATE OF ALABAMA

BALDWIN COUNTY

THIS AGREEMENT, is made between LYDIA ANN RICE, Complainant, and WILLIAM E. RICE, JR., Respondent, as to division of property and settlement of all financial matters in the divorce case, now pending in the Circuit Court of Baldwin County, Alabama.

IT IS AGREED that if a divorce is rendered between the parties on the bill of Lydia Ann Rice, against William E. Rice., Jr., that the said Lydia Ann Rice will accept a quit-claim deed from William E. Rice, Jr., for his interest in the homeplace, in lieu of all claims she might have against him for alimony, counsel fees and cost in the divorce proceedings.

That Lydia Ann Rice will take all household furniture and assume payment of all household debts, except the payment of water heater, stove and a bill with Ross Jewelry and current bill of telephone and electric light bill.

Lydia Ann Rice assumes and agrees to pay any indebtedness on the 1949 Fordor Dodge they have and William E. Rice, Jr., hereby releases all claim to said car.

It is further agreed that Lydia Ann Rice will pay the mortgage debt due on the property to the Bank of Fairhope.

IN WITNESS WHEREOF, the parties have hereunto set their hands on the 9th day of December, 1955.

witness W E Rice Jr
[Signature]

William E Rice Jr

Witness Lydia Ann Rice
[Signature]

Lydia Ann Rice

STATE OF ALABAMA)
)
 BALDWIN COUNTY)

LYDIA ANN RICE, : IN THE CIRCUIT COURT OF
 :
 Complainant : BALDWIN COUNTY, ALABAMA
 :
 vs. : IN EQUITY
 :
 WILLIAM E. RICE, JR. :
 :
 Respondent :

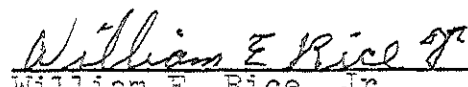
ANSWER AND WAIVER

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 the marriage and the date of separation but Respondent denies all other allegations of this Paragraph and demands strict proof of the same.
3. Respondent admits the allegations of Paragraph Third as to the joint ownership of the property set forth in the Bill of Complaint and consents to the award of the said property to the Complainant, provided, however, that the Complainant will assume and agree to pay the balance due on the existing mortgage indebtedness on the property, due to the Bank of Fairhope, Fairhope, Alabama, as evidenced by that real estate mortgage recorded in Book 240, page 398 of the Mortgage Records of the Judge of the Probate Court of Baldwin County, Alabama. And further provided that the Respondent shall not be responsible for any and all of the indebtednesses hereafter incurred by the Complainant.

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.


 E. G. RICHARBY
 Attorney for Respondent


 William E. Rice, Jr.
 Respondent

RECORDED 8849

LYDIA ANN RICE
Complainant

vs

William E. Rice, Jr.
Respondent

Answer and Waiver

FILED
DEC 19 1955

ALICE J. CRICK, Register

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