#4520

DIVORCE DECREE

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

VONCILE F. CARDELLA, Complainant

vs.

ANTHONY J. CARDELLA, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Pro Confesso on~~ Respondent's Answer & 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 Voncile F. Cardella is forever divorced from the said Anthony J. Cardella ~~for and on account of~~

Upon consideration of the Written Agreement between the parties touching the custody and support and maintenance of the minor children of the marriage, It is further ORDERED, ADJUDGED and DECREED by the Court as Follows: A. That said agreement is hereby ratified and approve and the care, control and custody of said children of said marriage is awarded to the mother; B. That the father, the respondent pay over to the complainant the sum of $48.00 per month for the support and maintena fo said children, said payments to begin immedietly & to be payable on the first day of each month; C. That the respondent shall have the right of visitation with said children on weekends and after said children be come of school age shall have the children with him for three weeks each summer during his employment vacation, during which time he shall have complete control and custody of said children.

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 Voncile F. Cardella the Complainant pay the cost herein to be taxed, for which executed may issue.

This 5 day of March 19 59

Fabius M. Stone

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.

LITHO IN U.S.A.

No. 4152 Page

THE STATE OF ALABAMA
BALDWIN COUNTY

In Circuit Court, In Equity

VONCILE F. CARDELLA
Complainant

vs.

ANTHONY J. CARDELLA
Respondent

DIVORCE DECREE

FILED
MAR 15 1959
ALICE J. DUCK, CLERK REGISTER

VANCILLE F. CARDELLA Complainant VS. ANTHONY J. CARDELLA Respondent	)))))))	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN EQUITY

To the Honorable Judge of the Circuit Court of Baldwin County, Alabama, Sitting in Equity:

Your complainant Vancille F. Cardella respectfully represents and shows unto your Honor:

1. That complainant is over the age of twenty-one years and is a resident of Baldwin County, Alabama,; that Anthony J. Cardella is over the age of twenty-one years and is a resident of Brooklyn, New York.

2. That your conplainant and respondent were lawfully married on or about, to-wit, December 20, 1955, at Lucedale, Mississippi, and of this marriage, there are two minor children, namely, Terry Ann, born August 14, 1956 and Gregory Anthony, born August 19, 1957.

3. Your conplainant avers and charges that the said respondent did on or about the 8th of August, 1958, and many times subsequent thereto, assualt, beat, hit and strike complainant; that said respondent has committed actual violence on her person, attended with danger to her health or 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 convinced that he will commit an actual violence upon her person, attended with danger to her life or health.

4. That complainant and respondent have entered into an agreement with reference to the custody and control and the support and maintenance of the said minor children, a copy of which is hereto attached as Exhibit A and made a part hereof; and by the terms of which agreement the complainant shall have the care, control and custody of the said minor children with rights of visitation granted to the respondent.

The premises considered, your complainant makes the said Anthony J. Cardella a party respondent tothis bill od complaint, and in order that complainant may have the relief herein prayed for, may it please your Honor to cause the State's writ of subpoena to be issued, directed to the said Anthony J. Cardella, commanding him to answer, plead or demur to this bill of complaint, within the time required by law; and that on a final hearing of this cause, that your Honor will enter a decree divorcing your complainant from said respondent, and your Honor will grant such other, further and different relief as unto your Honors may seem just and proper, and your complainant ever prays.

FILED

MAR 5 1959

ALICE L. DUCK, CLERK REGISTER

Arthur E. Epperson

SOLICITOR FOR COMPLAINANT

4528

STATE OF ALABAMA
BALDWIN COUNTY

IN EQUITY

VONCILE F. CARDELLA
COMPLAINANT

VS:

ANTHONY J. CARDELLA
RESPONDENT

BILL OF COMPLAINT

FILED
MAR 5 1959
ALICE J. DUCK, CLERK
REGISTER

FILED FOR COMPLAINANT

VONCILE F. CARDELLA COMPLAINANT	)	IN THE CIRCUIT COURT OF
VS.	)	BALDWIN COUNTY, ALABAMA
ANTHONY J. CARDELLA RESPONDENT	)	IN EQUITY

Comes the respondent in the above-styled cause and accepts service of a bill of Complaint hereto filed in this cause; waives notice of the filing of interrogatories in this 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; and for answer to the complainant's Bill of complaint heretofore filed in this cause the respondent says:

1. He admits the allegations in paragraph one of the said Bill of Complaint.

2. He admits the allegations of paragraph two of the said Bill of Complaint.

3. He denies each and every material allegation contained in paragraph three of the said Bill of Complaint and requires strict proof thereof.

4. The respondent for answer to paragraph four avers that said agreement is a just and fair agreement and prays that should the Court grant the complainant a divorce, that said agreement be incorporated into the Decree and made a part thereof.

Anthony Cardella
RESPONDENT

WITNESS

WITNESS

FILED
MAR 5, 1959
ALICE J. DUCK, CLERK REGISTER

1520

Answer & Waiver

FILED

MAR 5 1959

ALICE J. DUCK, CLERK REGISTER

"Exhibit A"

STATE OF ALABAMA
BALDWIN COUNTY

THIS AGREEMENT made and entered into on this day of February, 1959, by and between Voncille F. Cardella, hereinafter referred to as the party of the first part, and Anthony J. Cardella, hereinafter referred to as the party of the second part.

WITNESSETH:

WHEREAS, the parties hereto have been husband and wife since December 20, 1955, and as a result of such union have two minor children, Terry Ann, two years of age, and Gregory Anthony, one year of age; and

WHEREAS, the parties have been separated and are now living apart and have definitely concluded that it is impractical for them to live as man and wife; and

WHEREAS, the party of the first part is contemplating bringing an action for a divorce and it is the desire to settle the matter of the care, control, support and maintenance of the said children of the marriage without litigations.

Now, therefore, in consideration thereof and of the mutual agreements hereinafter made, they have mutually agreed to the following terms and conditions:

1. That the care, control and custody of the said minor children be in the mother, the party of the first part, with rights of visitation at reasonable times and places in the father, the party of the second part, as hereinafter set forth.

2. That the party of the second part will pay for the support and maintenance of the said minor children, the sum of FORTY EIGHT ($48.00) DOLLARS a month, payable on the first day of the month, to the party of the first part at her residence or such change of residence designated by her in writing to the party of the second part.

3. The husband shall have the right of visitation with said infant children on every week-end in each year, said visitation to commence at 10:00 o'clock in the forenoon on the Saturday of said week-end and to end at 6:00 o'clock in the afternoon on the Sunday of said week-end. It is further agreed that the husband shall have the right of complete custody and control of said children during their three (3) week Summer vacation of each and every Summer until said children attain their majority, at his residence in the State of New York, said Summer vacation period to be arranged between the parties hereto so as to coincide with the husband's employment vacation period, after each child has attained school age.

Failure by the husband to exercise his weekly rights of visitation or his annual three (3) week vacation custody as each child shall attain school age at any time or for any period of time, shall not constitute a waiver of either of his rights of visitation with the infant children herein involved.

4. That the husband shall be and he hereby is forever

released from any and all obligations as the husband of the party of the first part and he shall not be obligated to maintain a home for the said party of the first part or to support her, or to make any payments to her for her support or maintenance.

5. That in the event the party of the first part insists on her express determination to file a suit for divorce against the party of the second part, it shall be thoroughly understood that the party of the second part denies and expects to continue to deny that the party of the first part is in any way entitled to a divorce, and in the event that the Court, upon hearing should then decide that the party of the first 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 not be executed until and unless the Court does approve the same, and same will be merged in any decree or judgment granted and survive the same.

This agreement has been made and executed by the parties hereto in good faith on the day and date herein set forth above, will full understanding of all of its provisions, and with the mutual promise on the part of each to comply therewith faithfully and completely.

WITNESS	Mrs. Nancy Pardella PARTY OF THE FIRST PART
WITNESS	Anthony Pardella PARTY OF THE SECOND PART

FILED
MAR 5 1959
ALICE I. DUCK, CLERK REGISTER

"Exhibit A"

Agreement

FILED

MAR 15 1950

ALICE J. DUCKS, CLERK
CHAUTAUQUA COUNTY

ORAL DEPOSITION

THE STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court of Baldwin County, Alabama
(In Equity)

VONCILLE F. CARDELLA
COMPLAINANT

vs. ANTHONY J. CARDELLA

RESPONDENT

I, GLENDA E. SWITZER

as Register and Commissioner

have called and caused to come before me VONCILE F. CARDELLA

witness named in the requirement for Oral Examination, on the 4th day of March

19 59, at the office of GLENDA E. SWITZER

in FOLEY, Alabama, and having first sworn said witness to speak the

truth, the whole truth, and nothing but the truth, the said VONCILE F. CARDELLA

doth depose and say as follows:

My name is Voncille F. Cardella. I am over the age of twenty-one years. I am a resident of Baldwin County, Alabama and have been all my life. Anthony J. Cardella is over the age of twenty-one years and lives in Brooklyn, New York. I was legally married to Anthony Cardella in Lucedale, Miss. on December 20, 1955. We have two children, Terry Ann, born August 14, 1956 and Anthony G., born August 19, 1957.

On August 8th, 1958, mu husband and I got into a disagreement and he jumped on me and beat me with his fists. He knocked me down and kicked me in the stomach so hard that I vomited. He threatened to kill me. I was in bed for two days. I took the children and left him that night and went to my mothers, where I have lived every since. I am afraid to live with him. He has a very vile temper and there is no telling how bad he would hurt me the next time.

We have made an agreement which is marked Exhibit A and made a part of my testimony. The agreement gives me the custody of the children and $48.00 a month for their support and maintenance. I think this is a reasonable agreement.

Mrs. Voncille Franklin Cardella

ORAL EXAMINATION

I, GLENDA E. SWITZER 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

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 4th day of MARCH , 19 59 .

Glenda E. Switzer (L. S.)

No. [illegible] Page

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

VONCILE F. CARDELLA
COMPLAINANT

vs.

ANTHONY J. CARDELLA
RESPONDENT

ORAL DEPOSITION

Filed FILED MAR 5 1959 , 19 , Register.

ALICE J. DUCK, CLERK REGISTER RECORDED IN Record

Vol. Page

, Register.

COMMISSION TO TAKE DEPOSITIONS B.T.-500-11-54

THE STATE OF ALABAMA
Baldwin County } **Circuit Court**

TO: GLENDA E. SWITZER
FOLEY, ALABAMA

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 VONCILE E. CARDELLA

a witnesses in behalf of VONCILE E. CARDELLA in a cause pending in our Circuit Court in Baldwin County, of said State, wherein

VONCILE E. CARDELLA, Complainant

and

ANTHONY J. CARDELLA 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 4TH day of MARCH, 195 9.

Register.

Commissioner's Fee, $

Witness' Fees, $

No. 1528

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

VONCILE F. CARDELLA

Complainant

VS.

ANTHONY J. CARDELLA

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

GLENDA E. SWITZER

WITNESSES:

8581—NOTE OF TESTIMONY

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

VONCILE F. CARDELLA

COMPLAINANT

vs.

ANTHONY J. CARDELLA

RESPONDENT

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, Respondents answer and waiver; commission to take deposition; oral deposition of the complainants witnesses; agreement of parties.

and in behalf of Defendant upon

Arthur C Epperson

ATTORNEY FOR COMPLAINANT

Register.

No. 1452

THE STATE OF ALABAMA
Baldwin County

IN EQUITY

Circuit Court of Baldwin County

Voncile F. Cardella
Comp.

VS.

Anthony J. Cardella
Resp.

Note of Testimony

FILED

Filed in Open Court this

MAR 5 1959

day of ALICE J. BUCK, CLERK REGISTER, 19

Register.

MOORE PRINTING CO., BAY MINETTE, ALA.

M