

3780

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

DORIS HELEN CLARK, Complainant

vs.

JOHN WILLIAM CLARK, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Pro Confesso~~ on 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 Doris Helen Clark is forever divorced from the said John William Clark for and on account of

Cruelty. It is further ordered, adjudged and decreed the Complainant is to have care, custody and control of parties' minor child with visitation rights to Respondent. The property settlement set forth stipulated agreement, a part of the proceedings, is approved and it is directed that Respondent pay mortgage indebtednesses referred to therein. Respondent shall pay to Complainant for support and maintenance of minor child \$60.00 per month and Complainant is entitled to all rents referred to in said stipulated agreement, above.

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 John William Clark the Respondent pay the cost herein to be taxed, for which executed may issue.

This 3rd day of May, 1956

J. Hubert McFall 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

LORIS HELEN CLARK

Complainant

vs.

JOHN WILLIAM CLARK

Respondent

DIVORCE DECREE

*Filed 5-3-56
Alice J. French
Reynolds*

The State of Alabama,
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

DORIS HELEN CLARK Complainant

VS.

JOHN WILLIAM CLARK Respondent

I, Barbara J. Thomas

as ~~Register~~ Commissioner

have called and caused to come before me Doris Helen Clark and Mrs. Lucille Parker

witnesses named in the Requirement for Oral Examination, on the 30 day of April
1956, at the office of Ernest M. Bailey, Attorney at Law

in Fairhope, Alabama, and having first sworn said Witness to speak the
truth, the whole truth, and nothing but the truth, the said Doris Helen Clark and
Mrs. Lucille Parker doth depose and say as follows:

STATEMENT OF DORIS HELEN CLARK:

My name is Doris Helen Clark and the Respondent's name is John William Clark. We are both over the age of twenty-one years and are bona fide residents of Baldwin County, Alabama. We were married on January 1, 1943 in Milton, Florida and lived together as husband and wife until April 7, 1956. On April 7, 1956 the Respondent cursed, abused and did threaten to do violence upon my person. The Respondent has on other occasions abused and threatened to do violence to me. I am of the opinion that if we continue to live together the Respondent will commit on my person actual violence or will injure me permanently.

Doris Helen Clark

STATEMENT OF MRS. LUCILLE PARKER:

My name is Lucille Parker. I am over the age of twenty-one years and am a bona fide resident of Baldwin County, Alabama. I have known the Complainant and Respondent during their married life. I have seen the Complainant on several occasions when she was emotionally disturbed by reason of domestic difficulties with her husband.

Lucille Parker

ORAL EXAMINATION

I, Barbara J. Thomas, as ~~Register and~~ Commissioner hereby certify that the foregoing deposition S 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

at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness ES or had proof 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 30 day of April, 1956

Barbara J. Thomas (L. S.)

No. 3780 Page

The State of Alabama
Baldwin County.

In Circuit Court, In Equity

DORIS HELEN CLARK

vs. Complainant

JOHN WILLIAM CLARK

Respondent

Oral Deposition

Filed _____, 19____

FILED

Register

MA/Recorded 10/56

MISSISSIPPI REGISTER Record

Vol. _____ Page _____

Register

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon JOHN WILLIAM CLARK to appear and plead, answer or demur, within thirty days from the services hereof, to the Bill of Complaint filed in the Circuit Court of Baldwin County, Alabama, In Equity, by DORIS HELEN CLARK as Complainant against John William Clark, as Respondent.

Witness my hand this the 30th day of May, 1956.

Alice J. Duke
Register

DORIS HELEN CLARK, : IN THE CIRCUIT COURT OF
Complainant : BALDWIN COUNTY, ALABAMA
vs. : IN EQUITY
JOHN WILLIAM CLARK, :
Respondent :

Comes your Complainant, Doris Helen Clark, and files this her Bill of Complaint for divorce against John William Clark, 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 bona fide residents of Baldwin County, Alabama, residing in Fairhope, Alabama.

SECOND:

The the Complainant and the Respondent were married on, to-wit, January 1, 1943 in Milton, Florida and lived together as man and wife until on, to-wit, April 7, 1956, when, on account of the matters hereinafter complained of, your Complainant was compelled to live separate and apart from the Respondent; that on April 7, 1956 and at times prior to that the Complainant states that the Respondent from his manner and conduct towards her gave reasonable apprehension of his

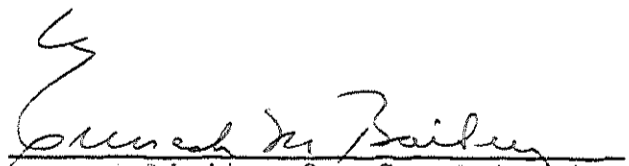
committing violence on her person and from his manner and conduct towards her she is reasonably certain that he will commit such violence upon her person, attended with danger to her life or health.

THIRD:

The Complainant and Respondent have the following named child of their marriage, Judith Helen Clark, age eleven years. That your Complainant is a fit and proper person to have the care, custody and control of the said child. That your Complainant has no money or property with which to properly support and educate the said child and that the Respondent is able to pay your Complainant such sufficient amounts to properly support and educate the said child.

PRAYER FOR PROCESS AND RELIEF:

The premises considered, your Complainant prays that the above named John William Clark be made a party Defendant to this cause by the usual writ or process, 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 the custody and control of her minor child herein named and will order and decree that the Respondent shall pay to your Complainant a reasonable sum as and for support of such child. That Your Honor will also grant unto the Complainant an absolute divorce from said Respondent and will decree that the parties be allowed to remarry if they see fit and that the Respondent is not to harass your Complainant in any way or means. 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.


Solicitor for Complainant

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SUMMON AND BILL OF COMPLAINT

DORIS HELEN CLARK,
COMPLAINANT

VS.

JOHN WILLIAM CLARK,
RESPONDENT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

FILED
MAY 3 1956

ALICE L. DUCK, Register

DORIS HELEN CLARK, :
 Complainant : IN THE CIRCUIT COURT OF
 vs. : BALDWIN COUNTY, ALABAMA
 : IN EQUITY
 JOHN WILLIAM CLARK, :
 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 separately and severally, 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 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 the same. The 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.


 John William Clark

WITNESS:


 Louise J. Stegge

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ANSWER AND WAIVER

Doris Helen Clark,

Complainant

vs.

John William Clark,

Respondent

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

FILED
MAY 3 1956

ALICE J. DUCK, Register

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 Doris Helen Clark and Mrs. Lucille Parker

as witnesses in behalf of Doris Helen Clark in a cause pending in our Circuit Court in Baldwin County, of said State, wherein Doris Helen Clark

_____, Complainant
and John William Clark

_____, Respondent
on oath, to be by you administered, upon Doris Helen Clark and Mrs. Lucille Parker to take and certify the deposition^s of the witness^{es} and return the same to our Court, with all convenient speed, under your hand.

Witness 28th day of April, 1946

Rickey - Duck
Register.

Commissioner's Fee, \$ _____

Witness' Fees, \$ _____

No. 378 D

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

DORIS HELEN CLARK

Complainant

VS.

JOHN WILLIAM CLARK

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

Barbara J. Thomas

WITNESSES:

FILED

MAY 3 1956

ALICE A. DUCK, Register

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DORIS HELEN CLARK

vs.

JOHN WILLIAM CLARK

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, _____

AND UPON ORAL TESTIMONY OF Doris Helen Clark and Mrs. Lucille Parker

and in behalf of Defendant upon Answer and Waiver

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Shirley M. Bailey

Attorney for Complainant

Arice J. Black

Register.

No. 378D.....

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

DORIS HELEN CLARK

vs.

JOHN WILLIAM CLARK

NOTE OF TESTIMONY

Filed in Open Court this

day of **FILED**, 194

MAY 3 1956

Register.

DORIS HELEN CLARK, :
Complainant : IN THE CIRCUIT COURT OF
vs. : BALDWIN COUNTY, ALABAMA
JOHN WILLIAM CLARK, :
Respondent : IN EQUITY

S T I P U L A T I O N

It is hereby stipulated and agreed by and between the parties hereto as follows:

1. That the Complainant shall have the full care, custody and control of their minor child, Judith Helen Clark, and the Respondent shall have the right to visit such child at reasonable and proper times. The Respondent shall also have the right of custody during limited periods of vacations.

2. It is further stipulated and agreed that the Respondent shall convey to the Complainant all his rights, title and interest in and to 1953 Tudor Ford Automobile owned by the parties. The Complainant shall have all right, title and interest in and to one 1956 Four Door Automobile owned by the parties.

3. As a property settlement, in addition and in lieu of alimony, the parties have made the following disposition of real property;

(a) The Respondent has quit-claimed all his right, title and interest in and to that property owned by the parties lying in Baldwin County, Alabama and more particularly described as: The Southwest Quarter of the Southwest Quarter of Section 36, Township 5 South, Range 2 East, together with all improvements thereon, and personal property located therein, containing 40 acres more or less. Provided, however, that the mortgage indebtedness thereon is assumed and will be paid by the Respondent.

(b) The Complainant has quit-claimed all her right, title and interest in and to that real property owned by the parties and located in Baldwin County, Alabama and more particularly described as: Lots 3 and 4 Block 1, Mary Ann Beach Subdivision, together with all improvements thereon and the personal property located therein. Provided, however, that the Respondent does hereby agree to assume and pay a mortgage indebtedness thereon.

4. It is further stipulated and agreed between the parties hereto that the Respondent shall pay the Complainant as and for support and maintenance of the said minor child, Judith Helen Clark, a monthly sum in the amount of Sixty (\$60.00) Dollars, payable on or about the first day of each month. As further support and maintenance for the said minor child, the parties hereto do agree that the Complainant is entitled to and shall have for the benefit of said child, all rents accrued or which shall accrue, by reason of rental agreements hereafter affecting the property herein conveyed in Paragraph 3 (a), above.

Doris Helen Clark
DORIS HELEN CLARK

John William Clark
JOHN WILLIAM CLARK

WITNESS:

James W. Bailey
For Complainant

James S. Higginson
For Respondent

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STIPULATED AGREEMENT

DORIS HELEN CLARK,
Complainant

vs.

JOHN WILLIAM CLARK,
Respondent

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

3280

FILED

MAY 3 1956

Alice J. Duck, Register