

4514

DIVORCE DECREE

Printed by Moore Ptg. Co.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

HELEN NELSON WALLACE

, Complainant

vs.

HERMAN KENNETH WALLACE

, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Answer and Waiver~~ 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 Helen Nelson Wallace is forever divorced from the said Herman Kenieth Wallace for and on account of

Cruelty

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the Court that the Respondent, Herman Kenieth Wallace, be and he is hereby awarded the permanent care, custody and control of the said minor children, Glen M. Wallace, and Alice Rena Wallace, with the right of the complainant to visit and have the said minor children visit with her at reasonable and proper times.

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 Helen Nelson Wallace the Complainant pay the cost herein to be taxed, for which executed may issue.

This 20th day of February 1959

Hobert M. Hall

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.

M

No. 45-14 Page -----

THE STATE OF ALABAMA
BALDWIN COUNTY

In Circuit Court, In Equity

HELEN NELSON WALLACE

Complainant

vs.

HERMAN KENNETH WALLACE

Respondent

DIVORCE DECREE

FILED

FEB 20 1959

ALICE J. DUCK, CLERK
REGISTER

HELEN NELSON WALLACE

vs.

HERMAN KENNETH WALLACE

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 testimony of Helen Nelson Wallace and Mary Alice Nelson

and in behalf of Defendant upon Answer and Waiver

Register.

176
No. 4514

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

HELEN NELSON WALLACE

VS.

HERMAN KENNETH WALLACE

Note of Testimony

Filed in Open Court this _____

day of _____, 19____

Register.

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA
Baldwin County

}

Circuit Court

TO: Ophelia J. Quinley

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 Helen Nelson Wallace and Mary Alice Nelson

a witness in behalf of Helen Nelson Wallace
Circuit Court in Baldwin County, of said State, wherein

in a cause pending in our

Helen Nelson Wallace

, Complainant

and

Herman Kenneth Wallace

Respondent

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

Witness 20 day of

Feb

, 1957

Alice J. ...
Register.

Commissioner's Fee, \$

Witness' Fees, \$

No. 4514

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

HELEN NELSON WALLACE

Complainant

VS.

HERMAN KENNETH WALLACE

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

WITNESSES:

THE STATE OF ALABAMA

BALDWIN COUNTY

Circuit Court of Baldwin County, Alabama
(In Equity)

HELEN NELSON WALLACE

COMPLAINANT

vs.

HERMAN KENNETH WALLACE

RESPONDENT

I, Ophelia J. Quinley

as Register and Commissioner

have called and caused to come before me Helen Nelson Wallace and Mary Alice Nelson

witnesses named in the requirement for Oral Examination, on the 19th day of February 19 59 , at the office of John V. Duck

in Fairhope , Alabama, and having first sworn said witnesses to speak the truth, the whole truth, and nothing but the truth, the said Helen Nelson and Mary Alice

Nelson doth depose and say as follows:

TESTIMONY OF HELEN NELSON WALLACE

My name is Helen Nelson Wallace, I am over the age of twenty-one years and a resident of Baldwin County, Alabama. The Respondent Herman Kenneth is over the age of twenty-one years and is a resident of Baldwin County, Alabama. Herman Kenneth Wallace and myself were married on the 23rd day of September, 1949 in Pascaugla, Miss., and lived together as husband and wife until around the 15th day of September, 1958,

That on the 15th day of September, 1958, and on various occasions prior thereto, the respondent threatened and abused me and from his conduct I had reasonable apprehension to believe and I did actually believe that if I continued to live with him that my life and health would be endangered. We separated on or about the 15th day of September, 1958.

We have two children, Glen M. Wallace, age five and Alice Rena Wallace, age 3. The respondent is a fit and proper person to have the care, sustody and control of the said minor children but I would like to have the rights of reasonable visitation and have them visit with me.

I would like to have the right to remarry.

Helen Nelson Wallace

Helen Nelson Wallace

TESTIMONY OF MARY ALICE NELSON

My name is Mary Alice Nelson. I am a sister to the Complainant in the above style cause.

I know, from my own knowledge that the Complainant and the Respondent have been having marital difficulties for the last few months, and I believe that it would be to the best interest of all concerned that this divorce be granted.

Mary Alice Nelson

Mary Alice Nelson

ORAL EXAMINATION

I, Ophelia J. Quinley 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 es and read over to me and they signed the same in the presence of myself and Helen Nelson Wallace and Mary Alice Nelson 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 19th day of February, 1959.

Ophelia J. Quinley (L. S.)

No. 4514 Page

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

HELEN NELSON WALLACE

COMPLAINANT

vs.

HERMAN KENNETH WALLACE

RESPONDENT

ORAL DEPOSITION

Filed _____, 19

RECORDED IN

Record

Vol.

Page

Register.

HELEN NELSON WALLACE
Complainant
-VS-
HERMAN KENNETH WALLACE
Respondent

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

BILL OF COMPLAINT

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

Comes your Complainant, Helen Nelson Wallace, and files this her bill of complaint for divorce against Herman Kenieth Wallace, and shows unto your Honor and unto this Honorable Court as follows:

1.

That your complainant and respondent are over the age of twenty-one years, and are both residents citizens of Baldwin County, Alabama, and that they have been such residents for more than one year next preceeding the filing of this bill of complaint.

2.

That your complainant and the respondent were married on heretofore to-wit: the 23rd day of September, 1949, in Pascagoula, Mississippi, and lived together as husband and wife until on to-wit; the 15th day of September, 1958.

3.

That on to-wit, the 15th day of September, 1958, and on various occasions prior thereto the respondent threatened and abused your complainant and from his conduct your complainant had reasonable apprehension to believe and she did actually believe that if she continued to live with the respondent that her life and health would be endganger. That the complainant has not lived with the respondent as man and wife since that date.

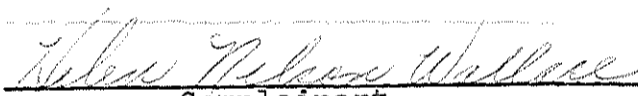
4.

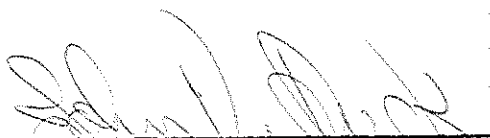
That there was born to your complainant and the respondent, two children, Glen M. Wallace, age five, and Alice Rena Wallace, age three. That the respondent is a fit and proper person to have the care, custody and control of said minor children.

PRAYER FOR PROCESS AND RELIEF

WHEREFORE THE PREMISES CONSIDERED, your Complainant prays that the above named Herman Kenieth Wallace 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 grant to your Complainant an absolute divorce from the respondent and that your Honor will award the full care, custody and control of the above named minor children to the Respondent with the right in Complainant to visit such children and have them visit with her at reasonable and proper times; that your Honor will also decree that the Complainant be allowed to remarry if she sees fit.

Your Complainant prays for such other, further and different relief to which she may be entitled and as in duty bound she will ever pray.


Complainant


Solicitor for Complainant

FILED

FEB 20 1959

ALICE J. DUCK, CLERK
REGISTER

4514

HELEN NELSON WALLACE

Complainant

-VS-

HERMAN KENNETH WALLACE

Respondent

BILL OF COMPLAINT

HELEN NELSON WALLACE
Complainant

-VS-

HERMAN KENNETH WALLACE
Respondent

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

ANSWER AND WAIVER

Comes the Respondent in the above style cause and for answer to the bill of complaint filed in said cause says: That he admits the allegations contained in the said bill as to ages, residents, marriage and children, and date of separation; but denies each and every other allegation contained therein and demands strict proof of the same.

The respondent hereby waives notice of the taking of testimony in said cause and notice of submission of said cause and agrees that the testimony may be taken in the cause submitted without further notice to him.

Herman K. Wallace
Respondent

STATE OF ALABAMA

BALDWIN COUNTY

I, Alice J. Duck, a Notary Public, in and for said County, in said State, hereby certifies that Herman Kenieth Wallace whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day, that, being informed of the contents of said instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 18th day of February, 1959.

FILED

FEB 20 1959

Alice J. Duck, CLERK
REGISTER

Alice J. Duck
Notary Public