

(3961)

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

RONALD LEE DANFORTH, Complainant

vs.

FRANCES DANFORTH, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~XXXXXXXXXXXX~~ 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

RONALD LEE DANFORTH is forever divorced from the

said FRANCES DANFORTH ~~XXXXXXXXXXXX~~

Upon consideration of the written agreement entered into between the complainant and the respondent touching the custody of the minor children of the marriage and support and maintenance for the minor children, it is further ordered, adjudged and decreed by the Court, that the said written agreement is hereby ratified and approved, and the care, control and custody of the minor children of the marriage, namely Debra Ann Danforth, and Dana Allen Danforth, is awarded to the Respondent, the mother of said children and the complainant will pay to the Respondent for the support and maintenance of the minor children of the marriage the sum of Eighty Dollars a month, beginning immediately and due and payable on or before the fifth day of each month.

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 Ronald Lee Danforth the complainant pay the cost herein to be taxed, for which executed may issue.

This 4th day of February 19.57

Hubert M. Hall Judge Circuit Court, In Equity.

I, Alice J. Duck, 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 January, 1957.

Register of Circuit Court, In Equity.

No. 3961 Page -----

THE STATE OF ALABAMA
BALDWIN COUNTY

In Circuit Court, In Equity

RONALD LEE DANFORTH

Complainant

vs.

FRANCES DANFORTH

Respondent

DIVORCE DECREE

ARTHUR C. EPPERSON
ATTORNEY AT LAW
FOLEY, ALA.

STATE OF ALABAMA
BALDWIN COUNTY

IN THE CIRCUIT COURT - IN EQUITY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Clarence Honzik 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 Julia Denk, Justy Denk Jansen, Jimmy Denk, Bessie Denk Sodoma, Helen Denk Walden, Emma Denk Schilling, Anna Denk Guess and Edward Denk, as Complainants, against Clarence Honzik, as Respondent.

Witness my hand this 29 day of January, 1957.

Bessie J. Sodoma

Register

JULIA DENK, JUSTY DENK JANSEN,
JIMMY DENK, BESSIE DENK SODOMA,
HELEN DENK WALDEN, EMMA DENK
SCHILLING, ANNA DENK GUESS and
EDWARD DENK,

Complainants,

vs.

CLARENCE HONZIK,

Respondent.

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

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

Come your Complainants in the above styled cause, by their Solicitors, and respectfully represent and show unto Your Honor and unto this Honorable Court as follows:

FIRST:

That all of the Complainants are over the age of twenty-one years and are of sound mind. That Justy Denk Jansen is a resident of the State of Wisconsin residing at Route 2, Deerbrook, Wisconsin; that Jimmy Denk is a resident of Wisconsin residing at 2515 West Kimberly, Milwaukee, Wisconsin; that Bessie D. Sodoma is a resident of the State of Alabama, residing at Gulf Shores, Alabama; that Helen

Denk Walden is a resident of the State of Alabama, her more particular address being P. O. Box 154, Robertsdale, Alabama; that Emma Denk Schilling is a resident of the State of Minnesota, her more particular address being P. O. Box 966, Duluth, Minnesota; that Anna Denk Guess is a resident of the State of Alabama, her more particular address being 116 Heustis Street, Mobile, Alabama; that Edward Denk is a resident of the State of Alabama, residing in Robertsdale, Alabama. That the Respondent, Clarence Honzik, is a resident citizen of the State of Alabama, residing at Robertsdale, Alabama, and he is over the age of twenty-one years and of sound mind.

SECOND:

That your Complainants are all of the heirs at law and next of kin of James Denk, Deceased, who at the time of his death was the owner of the following described real property situated in Baldwin County, Alabama, to-wit:

The Southwest Quarter of the Northwest Quarter
(SW $\frac{1}{4}$ of NW $\frac{1}{4}$) of Section Thirty-two (32), Township
Five South (5S), Range Four East (4E).

That the Complainant, Julia Denk, is the widow of James Denk, Deceased, and the remaining Complainants are the children of James Denk, Deceased. That said property, together with the property hereinafter described, constituted the homestead of the said James Denk and he owned no other real property in this State at the time of his death. The Complainants are not informed as to the value of any personal property which he might have owned at the time of his death. Neither the above described property or the property hereinafter described has ever been set aside to the said Julia Denk as her homestead or in lieu of homestead.

THIRD:

That the Complainants, with the exception of Julia Denk, are the joint owners and tenants in common with the Respondent, Clarence Honzik, of the following described property situated in Baldwin County Alabama, to-wit:

The Northwest Quarter of the Northwest Quarter

That in order to effect a sale of all of the above described parcels for a distribution of the proceeds thereof among the joint owners it was necessary that the complainants employ Solicitors to

FIFTH:

That neither of the above described parcels of land can be equitably partitioned or divided among the joint owners thereof without a sale of the same and a division of the proceeds of such sale among the joint owners. That said parcels are contiguous and that it would be to the best interest of all of the owners thereof if said lands were offered for sale at the time to entitle a purchaser to purchase the entire 80 acres. That there are improvements located on both of these parcels and each of them consist partly of cultivated land and partly of woodlands and each of said parcels have low, swampy places therein which are unfit for cultivation.

FOURTH:

That said property was owned jointly by James Denk and Julia Denk during the lifetime of the said James Denk, each owning an undivided one-half interest therein. That on his death, the interest of the said James Denk descended to all of your complainants except Julia Denk, subject to the homestead rights of the said Julia Denk, in the undivided one-half interest owned by the said James Denk at the time of his death. That Julia Denk conveyed her undivided one-half interest in this property to the Respondent, Clarence Honzik, on May 15, 1954 as shown by that certain deed recorded in Deed Book 208 N. S. at Page 481, in the office of the Judge of Probate of Baldwin County, Alabama. That the said Clarence Honzik is now the owner of an undivided one-half interest therein and your complainants, except the complainant, Julia Denk, are the owners of an undivided one-fourteenth interest each in said property subject only to the homestead rights of the said Julia Denk in and to the undivided one-half interest owned by the complainants.

(NW $\frac{1}{4}$ of NW $\frac{1}{4}$) of Section Thirty-two (32), Township Five South (5S), Range Four East (4E).

advise them and to institute this proceeding and to that end they have employed the firm of Chason & Stone, Attorneys at Law, Bay Minette, Alabama.

PRAYER FOR PROCESS:

The premises considered the Complainants respectfully pray that this Honorable Court will cause its usual Writ of process to be issued directed to the Respondent, Clarence Honzik, and requiring him to plead, answer or demur to this Bill of Complaint within the time allowed by law and the rules of this Honorable Court.

PRAYER FOR RELIEF:

The premises considered the Complainants respectfully pray that upon a final hearing of this cause that this Honorable Court will enter an order or decree directing the sale of the above described parcels of land by the Register of this Court at public outcry, for cash, to the highest bidder, after first having given notice of the time, place and terms of such sale by publication in such newspaper and for such length of time as the Court deems proper; and that in and by the terms of said decree this Honorable Court will require the Register to report such sale to this Honorable Court and that after such report that this Honorable Court will conduct a hearing, or will cause the Register to conduct a reference for the purpose of determining the amount to which each of the parties hereto shall be entitled out of the proceeds of said sale and will further find the amount which should be allowed to Julia Denk as her exemption in lieu of homestead for payment to her for the purpose of investing the same in a home or residence and the Complainants further pray that this Honorable Court will fix and determine a reasonable fee to be paid to Chason & Stone, Solicitors for the Complainants, for their services rendered in this cause and will direct that such fee be paid out of the proceeds of the sale. And the Complainants pray for such other, further and different relief as in the premises will be meet and proper.

Respectfully submitted,
CHASON & STONE

By:

Malbone S. Stone, Jr.
Solicitors for Complainants

EXHIBIT "A"

STATE OF ALABAMA

BALDWIN COUNTY

THIS AGREEMENT made and entered into on this the Fourth day of January, 1957, by and between Ronald Lee Danforth, hereinafter referred to as the party of the first part, and Frances Danforth, hereinafter referred to as the party of the second part:

WITNESSETH:

Whereas, the parties hereto have been husband and wife since November 1, 1952, and as a result of such union have two minor children, Debra Ann Danforth, born August 29, 1953 and Dana Alden Danforth, born April 1, 1955; and

Whereas, the parties have been separated and living apart for over two years and have definitely concluded that it is impractical for them to live together 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, custody, support and maintenance of the said minor children of the marriage without litigation.

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 second part, with rights of visitation at reasonable times and places in the father, the party of the first part.

2. That the party of the first part will pay to the party of the second part for the care, support and maintenance of the said minor children the sum of \$80.00 per month.

3. That in the event the party of the first part insists on his 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 does approve the same.

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

Arthur C. Epperson
Witness

Lucille Kupper
Witness

Ronald Lee Danforth
Party of the First Part

Frances Danforth
Party of the Second Part

3861

EXHIBIT "A"

RONALD LEE DANFORTH
COMPLAINANT

VS.

FRANCES DANFORTH
RESPONDENT

AGREEMENT

FILED

JAN 30 1957

ALICE L. BARR, Registrar

THE STATE OF ALABAMA

Baldwin County

Circuit Court

TO: Barbara Lipscomb

Foley, Ala.

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 Ronald Lee Danforth and Robert Hartley

a witnesses in behalf of Ronald Lee Danforth in a cause pending in our Circuit Court in Baldwin County, of said State, wherein Ronald Lee Danforth

Complainant and Frances Danforth

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

Witness 30th day of January, 1957

Register.

Commissioner's Fee, \$

Witness' Fees, \$

No. 3961

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

Ronald Lee Danforth

Complainant

VS.

Frances Danforth

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

BARBARA WIPSCOMB

WITNESSES:

RONALD LEE DANFORTH

ROBERT HARTLEY

7648

[Faint, mostly illegible text from the reverse side of the document, including what appears to be a signature and some printed text.]

THE STATE OF ALABAMA
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

RONALD LEE DANFORTH Complainant

VS.

FRANCES DANFORTH Respondent

I, Barbara Lipscomb

as Register and Commissioner

have called and caused to come before me Ronald Lee Danforth

and

Robert Hartley

witnesses named in the Requirement for Oral Examination, on the 30th day of January 1957, at the office of Barbara Lipscomb in Foley, Ala., Alabama, and having first sworn said Witnesses to speak the truth, the whole truth, and nothing but the truth, the said Ronald Lee Danforth and Robert Hartley doth depose and say as follows:

My name is Ronald Lee Danforth. I am over the age of twenty-one years. I am a bona fide resident of Baldwin County, Alabama and have been for more than one year preceding the filing of this bill for divorce. I married Frances Danforth in Brooklyn New York on Nov. 1, 1952. We have two children, Debra Ann Danforth, born August 29, 1953 and Dana Alden Danforth, born April 1, 1955. Frances Danforth is over 21 years old.

Frances Danforth voluntarily abandoned me over two years ago without fault on my part, since which time we have not lived together or in anyway recognized eachother as husband and wife.

I have entered into a written agreement with Frances Danforth with regards to the control, custody, and support and maintenance of our two minor children, which agreement I am including as part of my testimony and marked Exhibit "A". This agreement I think is a reasonable and just agreement. By its terms, Frances Danforth is to have the custody and control of the two children with rights of visitation to myself at reasonable times and places. I am to pay to her for the support and maintenance of the two children the sum of Eighty Dollars a month.

Ronald Lee Danforth

My name is Robert Hartley. I am over the age of twenty-one years and reside in Foley, Alabama. I have known Ronald Lee Danforth for over two years. He has resided in Baldwin County, Alabama for the past two years and is residing in Baldwin County, Alabama now. I and Ronald Lee Danforth are employed at the same place. His wife has not lived with him for the past two years. I have seen letters addressed to him and signed by his wife telling him that she would not live with him ever again, especially in Alabama.

Robert Hartley

ORAL EXAMINATION.

I, BARBARA LIPSCOMB, 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 witnesses and read over to them and they signed the same in the presence of myself

at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness or had proom 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 30th day of January, 1947

Barbara Lipscomb (L. S.)

NO. 3961 PAGE

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

Ronald Lee Danforth

vs. Complainant

Frances Danforth

Respondent.

Oral Deposition

Filed _____, 194

Register.

JAN 31 1947
Recorded 1957

Record

Vol. _____ Page _____

Register.

1144

RONALD LEE DANFORTH

vs.

FRANCES DANFORTH

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,
Respondent'S Answer and Waiver, Agreement of Parties, Commission
to take depositions, Oral Depositions of Complainant's Witnesses.

and in behalf of Defendant upon

Arthur C. Epperson
Attorney for the Complainant

Devin J. ...
Register.

No. 3961

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

Ronald Lee Danforth

vs.

Frances Danforth

NOTE OF TESTIMONY

Filed in Open Court this

day of **FILED**, 194

JAN 30 1957

Register.

ALICE L. WICK, Register
Printed By The Baldwin Times

Ronald Lee Danforth
Complainant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

VS.

IN EQUITY

Frances Danforth
Respondent

Comes the respondent in the above-styled cause and accents service of a bill of Complainant 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 complaint heretofore filed in this cause the respondent says:

1. She admits the allegations in paragraph one of said bill of complaint.
2. She admits the allegations of paragraph two of said bill of complaint.
3. She denies each and every material allegation contained in paragraph three of the said bill of complaint and requires and demands strict proof thereof.
4. The respondent for answer to paragraph four avers that said agreement is a just and fair agreement and prays the Court that should the Court grant the complainant a divorce, that said agreement be incorporated into the decree and made a part thereof.

Frances Danforth
Respondent

James D. Hodier
Witness

Lucille Napier
Witness

RONALD LEE DANFORTH
Complainant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

VS.

IN EQUITY

FRANCES DANFORTH
Respondent

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

Your complainant, Ronald Lee Danforth, respectfully represents and shows unto your Honor:

1. That the complainant is over the age of twenty-one years and is a resident of said State and County, and has been a bonafide resident for more than one year next preceding the filing of this bill of complaint; that Frances Danforth is over the age of twenty-one years and whose residence is unknown.

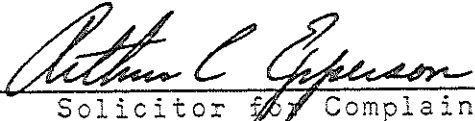
2/ That your complainant and respondent were lawfully married on or about to-wit; November 1, 1952 in brooklyn New York and of this marriage there is two children, Debra Ann Danforth, born August 29, 1953 and Dana Alden Danforth, born April 1, 1955.

3. Complainant further avers that said respondent voluntarily abandoned the bed and board of complainant for more than one year next preceding the filing of this bill of complaint, and since which time complainant and respondent have not lived together or in any way recognized each other as husband and wife.

4. The complainant and respondent have entered into an agreement for the control, custody and support of the minor children of the said marriage, a copy of which is hereto attached as Exhibit A and made a part hereof, and by the terms of which agreement, Frances Danforth, the mother and respondent is to have the care, control, and custody of the minor children Debra Ann Danforth and Dana Alden Danforth and the father Ronald Lee Danforth, the complainant will pay to the respondent for the support and maintenance the sum of \$80.00 each month.

Complainant avers that this is a reasonable, just and proper agreement and prays the court that in the event a decree of divorce is given in this cause that the court will decree that the parties keep and abide by the terms of said agreement.

The premises considered, your complainant makes the said Frances Danforth a party respondent to this bill of complaint, and in order that the 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 Frances Danforth, commanding her 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 the respondent; and that your honor will grant such other, further or different relief as unto your Honor may seem just and proper, and your complainant will ever pray.


Solicitor for Complainant

RESPONDENT'S ADDRESS:
Frances Danforth
474 Central Ave.
Brooklyn, New York

