

8986

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

CHARLIE H. NICHOLS, JR.,

Complainant

vs.

HAZEL NICHOLS

Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Pro Confesso~~ on Answer of Respondent

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 Charlie H. Nichols, Jr.

is forever divorced from the said Hazel Nichols for and on account of

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Respondent, Hazel Nichols, be awarded the care, custody and control of her minor children, Beverly Ann Jackson and Sherry Denice Nichols, and that the Complainant is ordered to pay to the said Hazel Nichols as support and maintenance for two dependents, the amount to be fixed by the Government allotment for such dependents.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that the Complainant, Charlie H. Nichols, Jr. shall have the right to visit said children 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 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 further ordered that Complainant, Charlie Nichols, Jr. the Complainant pay the cost herein to be taxed, for which executed may issue.

This 27th day of August 1957

[Signature]

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

Complainant

vs.

Respondent

DIVORCE DECREE

FILED

AUG 27 1957

ALICE J. DUCK, Register

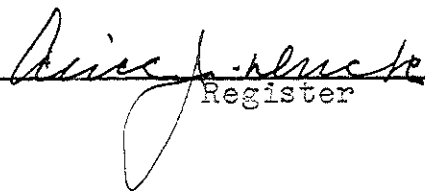
STATE OF ALABAMA
BALDWIN COUNTY

IN THE CIRCUIT COURT - IN EQUITY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Hazel Nichols 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 Charlie H. Nichols, Jr., as Complainant, against Hazel Nichols, as Respondent.

Witness my hand this the 5 day of March, 1957.



Register

CHARLIE H. NICHOLS, JR.,		
Complainant,		IN THE CIRCUIT COURT OF
vs.		BALDWIN COUNTY, ALABAMA
HAZEL NICHOLS,		
Respondent.		IN EQUITY

Comes your Complainant, Charlie H. Nichols, Jr., and files this his Bill of Complaint for divorce against Hazel Nichols, and shows unto your Honor and unto this Honorable Court as follows:

FIRST:

That your Complainant and Respondent are over the age of twenty-one years, and are both resident citizens of Baldwin County, Alabama, residing near Daphne, Alabama, and that they have been such residents for more than two years last past.

SECOND:

That your Complainant and the Respondent were married on heretofore, to-wit, June 5, 1954, and lived together as man and wife until, on account of the matters hereinafter complained of, your Complainant was abandoned by the Respondent. On March 1, 1956, the

Respondent voluntarily abandoned the bed and board of your Complainant without just cause or legal excuse and she has failed and refused to live with him since that time.

PRAYER FOR PROCESS AND RELIEF

The premises considered, your Complainant prays that the above named Hazel Nichols be made a party Defendant to this cause by the usual writ or process of this Honorable Court requiring her 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 and that upon a final hearing of this cause that your Honor will grant unto your Complainant an absolute divorce from said Respondent. That your Honor will also decree that the Complainant be allowed to remarry if he sees fit. Should your Complainant be mistaken in the relief prayed for, that there be granted to him such other, further and different relief to which he may be entitled and as in duty bound he will ever pray.

Chas H. Nichols JK
Complainant

CHASON & STONE

SOLICITORS FOR COMPLAINANT

A. June 5, 1954.

Q. Did you all live together as man and wife for a period of time?

A. Yes sir.

Q. Are you and Hazel Nichols both over the age of 21 years?

A. Yes sir.

Q. Where is your home and where is her home?

A. Daphne, Alabama.

Q. Had you both been resident citizens of Daphne, Alabama for more than two years before you filed this suit for divorce?

A. Yes sir.

Q. Now has the Respondent, Hazel Nichols, abandoned you?

A. Yes sir.

Q. When did she leave you?

A. March 1, 1956.

Q. Did she abandon your bed and board without just cause or legal excuse?

A. Yes sir.

Q. Has she failed and refused to live with you since that time?

A. Yes sir.

Q. You have not lived together as man and wife since March 1, 1956?

A. No sir.

Q. Is the oldest child's name Beverly Ann Jackson?

A. Yes sir.

Q. How old is that child?

A. Four years old.

Q. Now this child was born to your wife before you and your wife were married, was it not?

A. Yes sir.

Q. I believe she claims this is your child and has so claimed for a period of time, has she not?

A. Yes sir.

Q. Have you ever acknowledged that as being your child up

to this time?

A. No sir.

Q. When you made out your government allotment was this child named in your Government allotment?

A. No sir.

Q. You have another child born in wedlock, Shirley Denice Nichols?

A. Yes sir.

Q. How old is that child?

A. I don't know exactly.

Q. The Government is providing an allotment for this child, is it not?

A. Yes sir.

Q. How long have you been in the military service?

A. Will be nine months the 28th day of this month.

Q. About how much longer are you supposed to be in military service?

A. 15 months longer.

Q. Is your wife taking care of your children so far as you know?

A. I don't think so.

Q. You don't have any way that you can provide for the children personally while you are away in the military service?

A. No sir.

C E R T I F I C A T E:

I hereby certify that the foregoing, consisting of pages 1, 2 and 3, correctly sets forth a true and correct transcript of the testimony as taken by me in the above styled matter on August 27, 1957.

This 27th day of August, 1957.


Official Court Reporter,
28th Judicial Circuit of Alabama

CHARLIE H. NICHOLS, JR.,

COMPLAINANT

VS

HAZEL NICHOLS

RESPONDENT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

Now comes the Respondent in the above styled cause and demurs to the Complainant's Complaint and for grounds therefor says:

1.

There is no equity in the bill.

2.

The Complaint fails to state grounds for a divorce.

Winters & Brantley

BY:

Robert M Brantley

Solicitors for the Respondent

3986--

CHARLES H. NICHOLS, JR.

COMPLAINANT

VS

HAZEL NICHOLS

RESPONDENT

DEMANDERS

FILED

APR 19 1957

ALICE J. DICK, Register

CHARLIE H. NICHOLS Ø IN THE CIRCUIT COURT OF
 Ø BALDWIN COUNTY, ALABAMA,
 Ø IN EQUITY
 Ø CASE NO. 3986
 Ø

Comes now your Respondent in the above styled cause and for answer to the Complainant's bill of complaint says as follows:

1.

That she admits the allegations of Section 1 thereof, and says further that the Complainant is now in the Army and presently living at Fort Hood, Texas; that he has been in service for the past nine months.

2.

The Respondent admits that she married the Complainant on, to-wit: June 5, 1954. She says that she and the Complainant have lived together as man and wife since that time. Your Complainant says that she left the home of the Complainant on, to-wit the 1st day of June, 1956, but was forced to leave because the Complainant ran her off with a shot gun. Your Respondent says further that she and the Complainant have lived together as man and wife since that time; that they have cohabited and that the Respondent and the Complainant lived together as man and wife on almost all of the occasions on which the Complainant came back to Baldwin County on leave or furlough.

3.

The Respondent specifically denies that she has abandoned the bed and board of the Complainant.

4.

The Respondent says further that she has a child, Beverly Ann Jackson, now four years old; that this child was born out of wedlock but says further that it is the child of the Complainant, Charlie H. Nichols, Jr., that he has on many occasions recognized it in the community of which he lives as his child. The Respondent says further that there was born to the union of the Complainant and Respondent another child, Sherry Denise, now one year old. The Respondent says further that Charlie Nichols is an able-bodied man and that he earns a substantial salary at this time, the exact amount of which is presently unknown to the Respondent. That at the present time, the Army Finance Department with-holds from the salary of the Complainant and pays to the Respondent the

sum of \$117.10 per month. That this amount is paid for her support and the support of Sherry Denice.

Wilters & Brantley

BY: Richard M Brantley

3986

CHARLIE H. NICHOLS

COMPLAINANT

VS

HAZEL NICHOLS

RESPONDENT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
IN EQUITY
CASE NO. 3986

FILED

JUL 25 1957

ALICE J. DUCK, Registrar