

4378

DIVORCE DECREE

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

----- EVELYN L. BRICE -----, Complainant

vs.

----- FLOIS BRICE, JR. -----, Respondent

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

----- EVELYN L. BRICE ----- is forever divorced from the said ----- FLOIS BRICE, JR. ----- for and on account of Cruelty.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Respondent, Flois Brice, Jr., have the care, custody and control of the minor children, namely, Judith L. Brice and Dennis F. Brice, with rights of visitation being awarded to the Complainant, Evelyn L. Brice.

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 ----- Flois Brice, Jr. ----- the Respondent ----- pay the cost herein to be taxed, for which executed may issue.

This 12 day of September 1956

Robert 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.

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THE STATE OF ALABAMA
BALDWIN COUNTY

In Circuit Court, In Equity

Complainant

vs.

Respondent

DIVORCE DECREE

CECIL G. CHASON

ATTORNEY-AT-LAW
FOLEY, ALABAMA

September 12, 1958

Mrs. Alice J. Duck, Register
Bay Minette, Alabama

Dear Mrs. Duck:

Enclosed herewith is Complaint, Answer and other papers pertaining to the divorce of Evelyn L. Brice and Flois Brice, Jr. Mr. Brice is bringing this to you, and will pay costs, including Commissioner's fee, of \$18.50.

Yours very truly,



C. G. Chason

CGC:fm

encls. as noted.

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA
Baldwin County

Circuit Court

TO: FRANCES G. MALLORY

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 Evelyn L. Brice and Carlos Leutner

a witness in behalf of Evelyn L. Brice in a cause pending in our
Circuit Court in Baldwin County, of said State, wherein

EVELYN L. BRICE

, Complainant

and

FLOIS BRICE, JR.

Respondent

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

Witness 12th day of September

, 1958

Richard J. ...
Register.

Commissioner's Fee, \$ 5.00

Witness' Fees, \$

No.

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

EVELYN L. BRICE

Complainant

VS.

FLOIS BRICE, JR.

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

FILED WITNESSES:

SEP 12 1958

W. J. DUCK, Register

EVELYN L. BRICE

vs.

FLOIS BRICE, JR.

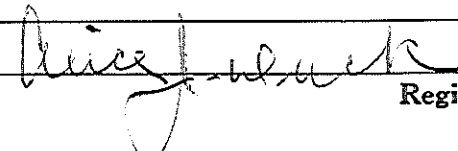
THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

This cause is submitted in behalf of Complaint upon the original Bill of Complaint,
and Testimony of Evelyn L. Brice and Carlos Leutner

and in behalf of Defendant upon Answer and Waiver


Attorney for Complainant


Register.

No.

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

EVELYN L. BRICE

VS.

FLOIS BRICE, JR.

Note of Testimony

Filed in Open Court this

day of

FILED
SEP 12 1958
ALICE J. DUCK, Register.
Register.

THE STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court of Baldwin County, Alabama
(In Equity)

EVELYN L. BRICE COMPLAINANT

vs.

FLOIS BRICE, JR. RESPONDENT

I, Frances G. Mallory

as Register and Commissioner in Chancery

have called and caused to come before me Evelyn L. Brice and Carlos Leutner

witnesses named in the requirement for Oral Examination, on the 12th day of September,
1958, at the office of C. G. Chason

in Foley, Alabama, and having first sworn said witnesses to speak the

truth, the whole truth, and nothing but the truth, the said Evelyn L. Brice and Carlos

Leutner doth depose and say as follows:

Testimony of Evelyn L. Brice:

My name is Evelyn L. Brice. I am over the age of twenty-one years and a resident citizen of Foley, Baldwin County, Alabama, having resided in Foley for over ten years. Flois Brice, Jr., is over the age of twenty-one years and is a lifetime resident of Baldwin County, Alabama. We were married on January 17, 1948, and lived together as husband and wife until recently, however, for the last several years he has mistreated me, struck me and threatened me, so that I could no longer live with him. He has struck me with his fists and committed other acts of violence on my person attended with danger to my life or health, and he made numerous threats of doing me other and further physical harm, so much so that I am afraid to continue to live with him. We have two children, Judith L. Brice, who is ten years of age and Dennis F. Brice, who is nine years of age. My husband is very attached to these children, and I believe that he will be a fit and proper person to have their custody.

Signed: Evelyn L. Brice

Testimony of Carlos Leutner:

My name is Carlos Leutner. I am over the age of twenty-one years and a resident citizen of Baldwin County, Alabama. I am personally acquainted with Evelyn L. Brice and Flois Brice, Jr. They were married in January of 1948, and have two children, Judith L. Brice, and Dennis F. Brice. Both Evelyn and Flois Brice are over the age of twenty-one years and both are residents of Baldwin County, Alabama. I have never actually seen Flois strike her, but have heard him threaten to do so, and feel sure that he has committed actual violence on her person on several occasions. I also believe that it would be very reasonable for her to fear that he would do her actual physical bodily harm, attended with danger to her life or health. I believe that he is a fit and proper person to have custody of the children of this marriage.

Signed: Carlos M. Leutner

ORAL EXAMINATION

I, Frances G. Mallory 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 them and they signed the same in the presence of myself and C. G. Chason 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 12th day of September, 1958 .

Frances G. Mallory
(S.)

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THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

EVELYN L. BRICE

COMPLAINANT

vs.

FLOIS BRICE, JR.

RESPONDENT

ORAL DEPOSITION

Filed

FILED
SEP 12 1958
A. L. DUCK, Register

, 19

RECORDED IN

Record

Vol.

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Register.

EVELYN L. BRICE,)	
Complainant,)	IN THE CIRCUIT COURT OF
-vs-)	BALDWIN COUNTY, ALABAMA
FLOIS BRICE, JR.,)	IN EQUITY
REspondent.)	

TO THE HONORABLE H. M. HALL, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, Sitting in Equity:-

Comes your Complainant, Evelyn L. Brice, and files this her Bill of Complaint for divorce against Flois Brice, Jr., and respectfully represents and shows unto your Honor:-

1. That the Complainant is over the age of twenty-one years and is a bona fide resident citizen of Baldwin County, Alabama, having been such a bona fide resident citizen for more than ten years. That Flois Brice, Jr., is over the age of twenty-one years and is a resident of Baldwin County, Alabama.

2. That the Complainant and Respondent were lawfully married on, to-wit, January 17, 1948.

3. Complainant further avers that the Respondent has committed actual physical violence on her person attended with danger to her life and health, by striking her, and from his conduct toward her, she is reasonably apprehensive of other and further violence, so much so that she can no longer live with the Respondent; that the Respondent has made numerous threats of doing her other and further physical harm, and from his manner and conduct toward her she is reasonably convinced that he will commit actual violence on her person attended with danger to her life or health.

4. Complainant further shows to the Court that there was born of this marriage two (2) children, namely, Judith L. Brice, ten years of age, and Dennis F. Brice, nine years of age. Complainant further alleges that the Respondent is a fit and proper person to have custody of the two children of this marriage.

PRAYER FOR PROCESS AND RELIEF

THE PREMISES CONSIDERED, your Complainant prays that Flois Brice, Jr., be made a party defendant of this cause by the usual process of this Honorable Court, requiring him to 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 she be granted a divorce from the said Flois Brice, Jr., and that the Respondent be granted the custody and control of the minor children hereinabove named. Should your Complainant be mistaken in the relief prayed for that she be granted such other, further, different and general relief to which she may be entitled and as in duty bound she will ever pray.

Flois L. Brice

Complainant

W. H. Casau

SOLICITOR for Complainant

