

4387

DIVORCE DECREE

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama, Baldwin County  
CIRCUIT COURT, IN EQUITY

----- FAYE IRENE DICKMAN -----, Complainant

vs.

----- MALCOLM WAYNE DICKMAN -----, 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 ~~FAYE IRENE DICKMAN~~ is forever divorced from the said ~~MALCOLM WAYNE DICKMAN~~ for and on account of

CRUELTY

~~IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the Court, that the Respondent he and he is hereby awarded the care, custody and control of the three minor children, Gary Wayne Dickman, Rodney Cloyce Dickman and Dale Lewis Dickman with the right of the Complainant to visit the children at reasonable times and have them visit her at reasonable times and for reasonable periods.~~

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 ~~Malcolm Wayne Dickman~~ the ~~Respondent~~ pay the cost herein to be taxed, for which executed may issue.

This 25 day of September 1958

*J. Hubert 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.

No. \_\_\_\_\_ Page \_\_\_\_\_

THE STATE OF ALABAMA  
BALDWIN COUNTY

In Circuit Court, In Equity

Complainant

vs.

Respondent

DIVORCE DECREE

FILED

SEP 26 1958

ALICE J. DUCK, CLERK  
REGISTER

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

FAYE IRENE DICKMAN, Complainant

vs.

MALCOLM WAYNE DICKMAN, 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 FAYE IRENE DICKMAN is forever divorced from the said MALCOLM WAYNE DICKMAN for and on account of CRUELTY

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the Court, that the Respondent be and he is hereby awarded the care, custody and control of the three minor children, Gary Wayne Dickman, Rodney Cloyce Dickman and Dale Lewis Dickman with the right of the complainant to visit the children at reasonable times and have them visit her at reasonable times and for reasonable periods.

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 Malcolm Wayne Dickman the Respondent pay the cost herein to be taxed, for which executed may issue.

This 25th day of September 19 58

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 25th day of September, 19 58

Alice J. Duck

Register of Circuit Court, In Equity.

Filed 9-22-60

4387 1/2

No. \_\_\_\_\_ Page \_\_\_\_\_

THE STATE OF ALABAMA  
BALDWIN COUNTY

In Circuit Court, In Equity

DICKMAN

Complainant

vs.

DICKMAN

Respondent

DIVORCE DECREE

FILED

SEP 22 1960

ALICE J. DUCK, Register

THE STATE OF ALABAMA

BALDWIN COUNTY

Circuit Court of Baldwin County, Alabama  
(In Equity)

FAYE IRENE DICKMAN

COMPLAINANT

vs.

MALCOLM WAYNE DICKMAN

RESPONDENT

I, Ophelia J. Quinley

as Register and Commissioner

have called and caused to come before me Faye Irene Dickman and Mr. Forest Warren

witness es named in the requirement for Oral Examination, on the 24<sup>th</sup> day of September

19 58 , at the office of John V. Duck

in Fairhope , Alabama, and having first sworn said witness es to speak the

truth, the whole truth, and nothing but the truth, the said Faye Irene Dickman and Mr.

Forest Warren

doth depose and say as follows:

TESTIMONY OF FAYE IRENE DICKMAN

My name is Faye Irene Dickman. I am the Complainant in the above styled cause. I am a bona fide resident of Baldwin County, Alabama, and am over the age of twenty-one. The Respondent, Malcolm Wayne Dickman is a bona fide resident of Baldwin County, Alabama, and is over the age of twenty-one. The Respondent and myself were married at Bay Minette on the 28th day of October, 1957 and have lived together as husband and wife until the 18th day of September, 1958. On the 18th day of September, 1958 and on various occasions prior thereto, the Respondent threatened and abused me and threatened to do actual violence to me which would necessarily endanger my life and health and his conduct was such as to give me every reasonable apprehension to believe and I did actually believe that if I continued to live with the Respondent he would do actual violence to me, which would necessarily endanger my life and health. That there were born out of a previous marriage between the Respondent and myself, three children, Gary Wayne Dickman, Rodney Cloyce Dickman, and Dale Lewis Dickman. The Respondent is a suitable, fit and proper person to have the care, custody and control of these children.

I would like to have the right of reasonable visitation with the said minor children.

Faye Irene Dickman  
Faye Irene Dickman

TESTIMONY OF MR. FOREST WARREN.

My name is Forest E. Warren. I have know the Complainant and the Respondent for over a period of years. I am a neighbor of them, and I know they have been experiencing difficulties in living together. It is generally known in the neighborhood in which they live that they have been having trouble. It is my opinion that it is to the best interest of both the Complainant and the Respondent and their minor children that they be divorced.

Forest Warren  
Forest Warren

**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 I signed the same in the presence of myself and John V. Duck 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 24<sup>th</sup> day of September, 1958.

Ophelia J. Quinley (L. S.)

No. \_\_\_\_\_ Page \_\_\_\_\_

**THE STATE OF ALABAMA  
BALDWIN COUNTY**

**IN CIRCUIT COURT, IN EQUITY**

**FAYE IRENE DICKMAN**

**COMPLAINANT**

**vs.**

**MALCOLM WAYNE DICKMAN**

**RESPONDENT**

**ORAL DEPOSITION**

Filed **FILED**

SEP 25 1958

, 19

Alice J. Duck, Register

RECORDED IN

Record

Vol.

Page

Register.

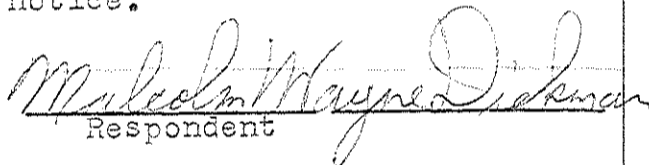
FAYE IRENE DICKMAN  
Complainant  
-VS-  
MALCOLM WAYNE DICKMAN  
Respondent

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

ANSWER AND WAIVER

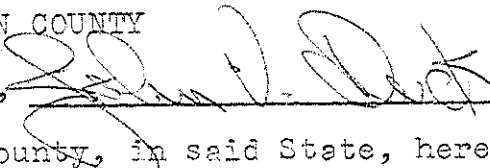
Now comes the Respondent, in his own proper person, and admits the allegations contained in the bill of complaint filed in the above styled cause as to ages, residence, marriage and children, but denies all other allegations therein contained and demands strict proof of the same.

The Respondent waives notice of the time of taking testimony on behalf of the Complainant; the right to cross-examine Complainant's witnesses; and agrees that this cause be submitted for final decree without further notice.

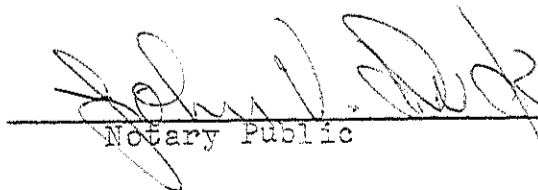
  
Respondent

STATE OF ALABAMA

BALDWIN COUNTY

I, , a Notary Public, in and for said County, in said State, hereby certify that Malcolm Wayne Dickman, 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 20<sup>th</sup> day of September, 1958.

  
Notary Public

FAYE IRENE DICKMAN

Complainant

-VS-

MALCOLM WAYNE DICKMAN

Respondent

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

ANSWER & WAIVER

FILED

SEP 25 1958

ALICE J. DUCK, Register



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 Faye Irene Dickman and Forest Warren

a witness in behalf of Complainant (Faye Irene Dickman in a cause pending in our Circuit Court in Baldwin County, of said State, wherein

FAYE IRENE DICKMAN

, Complainant

and

MALCOLM WAYNE DICKMAN

Respondent

on oath, to be by you administered, upon Faye Irene Dickman and Forest Warren to take and certify the deposition s of the witness E and return the same to our Court, with all convenient speed, under your hand.

Witness 24 day of sept.

Alice J. Duck, 1958  
Register.

Commissioner's Fee, \$

Witness' Fees, \$

No.

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THE STATE OF ALABAMA  
Baldwin County

---

CIRCUIT COURT

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FAYE IRENE DICKMAN

Complainant

VS.

MALCOLM WAYNE DIOKMAN

Defendant

---

COMMISSION TO TAKE DEPOSITION

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COMMISSIONER:

WITNESSES:

**FILED**

SEP 25 1958

ALICE J. DUCK, Register

FAYE IRENE DICKMAN

vs.

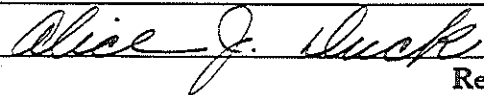
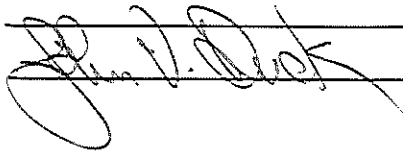
MALCOLM WAYNE DICKMAN

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 Faye Irene Dickman and Mr. Forest Warren

and in behalf of Defendant upon Answer and Waiver



Register.

No. ....

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**THE STATE OF ALABAMA**  
**Baldwin County**

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**IN EQUITY**  
Circuit Court of Baldwin County

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FAYE IRENE DICKMAN

---

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VS.

MALCOLM WAYNE DICKMAN

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**Note of Testimony**

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Filed in Open Court this .....

**FILED**

day of ..... SEP-25-1958 ....., 19.....

ALICE J. DUCK, Register

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Register.

---

FAYE IRENE DICKMAN  
Complainant

-VS-

MALCOLM WAYNE DICKMAN  
Respondent

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

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

Your Complainant, Faye Irene Dickman, respectfully represents  
unto your Honor and this Honorable Court as follows:

I.

That your Complainant is a bona fide resident of Baldwin  
County, Alabama, and over the age of twenty-one years; that the  
Respondent is a bona fide resident of Baldwin County, Alabama,  
and is over twenty-one years of age.

II.

That your Complainant and the Respondent married in Bay-  
Minette, Alabama, on the 28th day of October, 1957, and lived  
together as husband and wife until on to-wit; the 18th day of  
September, 1958.

III

That on to-wit, the 18th day of September, 1958, and on  
various occasions prior thereto, the Respondent cursed, threaten-  
ed and abused your Complainant and threatened to do actual vio-  
lence to her person, which would necessarily endanger her life  
and health; that the conduct of the Respondent was such as to  
give your Complainant every reasonable apprehension to believe  
and she did actually believe that if she continued to live with  
the Respondent he would do actual violence to her person which  
would necessarily endanger her life and health.

IV.

That there was born to the marriage between your Complainant  
and the Respondent, by a prior marriage, three children, Gary  
Wayne Dickman, age ten, Rodney Cloyce Dickman, age nine, and Dale  
Lewis Dickman, age five; that the Respondent is a fit and pro-  
per person to have the care, custody and control of the said

minor children; that there has been an agreement by the Complainant and the Respondent for the support and maintenance of the said minor children.

PRAYER FOR PROCESS AND RELIEF

WHEREFORE, the premises considered, your Complainant prays that your Honor will by proper process make the said Malcolm Wayne Dickman, party Respondent to this bill of Complaint requiring him to plead, answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

Your Complainant further prays that upon a final hearing hereof Your Honor will enter a decree forever barring the bonds of matrimony existing between your Complainant and the Respondent; that the Respondent be awarded the permanent care, custody and control of their minor children, Gary Wayne Dickman, Rodney Gloyce Dickman, and Dale Lewis Dickman; and that your Complainant prays for such other, further, different or general relief as she may be in equity and good conscience entitled to receive.

Faye Gene Dickman  
Complainant

Solicitor for Complainant

FAYE IRENE DICKMAN

4387

Complainant

-VS-

MALCOLM WAYNE DICKMAN

Respondent

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

\* \* \* \* \*

BILL OF COMPLAINT

**FILED**

SEP 24 1958

ALICE J. DUCK, Register

FAYE IRENE DICKMAN,  
Complainant,  
VS.  
MALCOLM WAYNE DICKMAN,  
Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NO. 4387 $\frac{1}{2}$

AMENDED PETITION

Comes now your Petitioner, FAYE IRENE DICKMAN, the complainant in the above styled cause, and amends her petition heretofore filed in this cause, so that, as amended, said petition reads as follows:

1. That complainant, or petitioner is over the age of twenty-one years and is a non resident of the State of Alabama, residing on River Road, Liberty Center, Ohio; that the respondent, MALCOLM WAYNE DICKMAN, is over the age of twenty-one years and is a resident of Baldwin County, Alabama, residing in Daphne, Alabama;

2. That your complainant was divorced from the respondent by Decree of this Honorable Court, dated September 25, 1958, a copy of which decree is attached hereto, marked Exhibit "A", and, by reference, made a part hereof as though fully set out herein; that by the terms of said decree the respondent was given the care, custody and control of the three minor children born to their marriage: GARY WAYNE DICKMAN, RODNEY CLOYCE DICKMAN, AND DALE LEWIS DICKMAN, who were at that time of the age of ten, nine and five years, respectively, with reasonable rights of visitation in your complainant;

3. That at the time of your complainant's divorce from said respondent, she had no job, she was upset over the break-up of her marriage, and she was without funds, except such as would be provided by her parents, and, for those reasons, agreed for the respondent to have the care, custody and control of said children; that another reason for her so agreeing was the promise on the part of the respondent that, as soon as petitioner was able, he would permit her to have the children for the ensuing two to four years; that he did permit her to keep the children from late September, or early October, 1958, to the latter part of May, 1959; and that your petitioner had said children from May, 1960, to August, 1960; that the respondent agreed to pay \$20.00 per week for the support and maintenance of the said children during the time your petitioner had them in her custody, but that he did not do so, nor did he even pay \$10.00 per week for their sup-



port and maintenance;

4. That conditions have changed since the aforesaid decree of divorce was entered as will be hereinafter set forth and that it would be to the best interests of said minor children if the aforesaid decree were changed and amended so as to give the care, custody and control of said minor children to your petitioner during the school year and to the respondent when school is not in session;

5. That your petitioner now has a job, being employed under Civil Service by the Highway Department of the State of Ohio, with take home pay of approximately <sup>\$215.00</sup> ~~\$276.00~~ per month; that complainant's Own a 110 acre farm just three miles from Grad Rapids, Ohio; that said parents are a healthy middle-aged couple who are physically able, and are ready, willing and able, to assist your complainant in rearing and training her three sons; that complainant occupies a farm house, belonging to her Father, just across the driveway from her parents' home, for which she pays her Father a nominal rent of \$25.00 per month; that complainant's house has three rooms, a utility room and a bath downstairs and two large bedrooms and a porch upstairs; that said house is equipped with modern conveniences; that there are good schools convenient to her home for her children; that, when they are with her, she has in them in Sunday School and Church practically every Sunday;

That while the children are staying with your complainant they receive training in farm chores; that each of them, while here, was given a steer to raise by complainant's Father; that complainant's brother operates a farm implement business in Grand Rapids, Ohio, and he gives the boys work there, training them in customer relations and handling the merchandise;

6. That, within five months of their divorce, the respondent remarried, marrying a girl eleven years younger than himself; that his present wife is only about nine or ten years older than the two oldest boys; that the respondent and his present wife are expecting a baby within the very near future; that they occupy a very small home on the edge of Daphne; that the respondent's present wife insists that complainant's boys call her "Mama"; that there is not adequate room in the house presently occupied by the respondent and his wife for complainant's three boys; that the respondent does not carry the children to Sunday School on Sunday, because he does not like Sunday School; that it would be to the best interests of said minor children

if the decree of this Honorable Court, Exhibit "A" hereto, were changed so as to give your complainant the custody of said children during the school year;

7. That said children are old enough and mature enough, especially the two oldest children who are now thirteen and twelve years of age, respectively, to know what is best for them, and, although they love their Father and want to be with them, they prefer to stay with your complainant during the school year and with their Father during the vacation period.

PRAYER FOR RELIEF

THE PREMISES CONSIDERED, Petitioner prays that your Honor will take jurisdiction of this her amended petition and that, on a hearing hereof, your Honor will make and enter a decree granting to her the following separate and several relief:

1. Amending the decree heretofore granted in this cause, on September 25, 1958, so as to give to complainant, your petitioner, the care, custody and control of the three minor children, belonging to her and the respondent, GARY WAYNE DICKMAN, RODNEY CLOYCE DICKMAN AND DALE LEWIS DICKMAN, for nine months of the year, and to the respondent, their father, for three months of the year;

2. Fixing a reasonable sum, commensurate with his ability to pay, for the respondent to pay to your complainant monthly for the support and maintenance of said three children during the time said children are in her custody;

And, if petitioner be mistaken in the relief to which she is entitled in the premises, then she prays for such other, further, different or general relief as in equity and good conscience she may be entitled to receive, and, as in duty bound, she will ever pray, etc.

J. Fair J. Madeline  
SOLICITOR FOR COMPLAINANT (PETITIONER)

I hereby certify that I have served a copy of the above and foregoing amended petition on the respondent by leaving a copy of the same at the office of his Solicitor of Record, Telbert M. Brantly, Esq.

J. Fair J. Madeline  
SOLICITOR FOR COMPLAINANT (PETITIONER)

DEMURRER

FAYE IRENE DICKMAN,  
Complainant,  
VS  
MALCOLM WAYNE DICKMAN,  
Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY. NO. 4387½

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

Comes now the Respondent in the above styled cause and demurs to the  
Complainant's Complaint and for grounds therefore says:

1.

That the Complainant fails to show such a change of conditions as  
would warrant the court to ammend its prior decree.

2.

The Complainant fails to allege sufficient facts on which to grant  
the release sought.

WILTERS & BRANTLEY

BY

James M Brantley

*Filed*  
*8-29-60*

FAYE IRENE DICKMAN,  
Complainant,

VS

MALCOLM WAYNE DICKMAN,  
Respondent.

DEMURRER

FILED

AUG 29 1960

ALICE J. DUCK, CLERK  
REGISTER

*Handwritten:* 100-111-1000-1000

FAYE IRENE DICKMAN,	)	IN THE CIRCUIT COURT OF
	)	
Complainant,	)	BALDWIN COUNTY, ALABAMA, IN
	)	
VS.	)	EQUITY.
	)	
MALCOLM WAYNE DICKMAN,	)	
	)	
Respondent.	)	
	)	
	)	

DECREE

This cause coming on to be heard is submitted for a decree upon the amended petition, the answer thereto, and the testimony of witnesses taken ore tenus.

The Court, after considering the pleadings and the testimony, finds that the Complainant and the Respondent were formerly husband and wife and that on September 25, 1958, a decree of divorce was granted the Complainant, Faye Irene Dickman, against the Respondent, Malcolm Wayne Dickman, in which decree it was Ordered, Adjudged and Decreed that the Respondent, Malcolm Wayne Dickman, be and he was awarded the care, custody and control of the three minor children involved in this proceeding, Gary Wayne Dickman, Rodney Cloyce Dickman and Dale Lewis Dickman, conditioned that the Complainant, Faye Irene Dickman, had the right, at reasonable times, to have said children visit her for reasonable periods.

The Court, in an effort to ascertain and determine what is to the best interest of the said minor children availed himself of the opportunity of talking with the said minor children away from any influence of either the Complainant or the Respondent.

The Court is of the opinion, after considering all of the evidence in the case, that it is to the best interest of said minor children, Gary Wayne Dickman, Rodney Cloyce Dickman and Dale Lewis Dickman, that they remain in the care, and under the control and custody of the Respondent, Malcolm Wayne Dickman, their father.

The Court is of the further opinion that the Complainant is not entitled to the relief prayed for in her amended Petition. It is, therefore

ORDERED, ADJUDGED AND DECREED by the Court that the original decree granted on September 25, 1958, be and the same is in full force and effect, and that the Respondent, Malcolm Wayne Dickman, is awarded the care, custody and control of the said minor children, with the right of the Complainant, Faye Irene Dickman, to have said children visit with her at times when it does not interfere with the school work, for a period not to exceed the summer vacation from school. It is further

ORDERED, ADJUDGED AND DECREED that the Respondent, Malcolm Wayne Dickman, pay to the Complainant, Faye Irene Dickman, during the period that said children are visiting with her, the sum of SEVENTY-FIVE (\$75.00) DOLLARS per month. It is further

ORDERED that the Complainant, Faye Irene Dickman, pay the costs herein, for which execution may issue.

Dated this 21st day of October, 1960.

*Robert M. Hall*

Judge, 28th Judicial Circuit of  
of Alabama.

FILED

OCT 21 1960

ALICE J. DUCK, CLERK  
REGISTER

FAYE IRENE DICKMAN,

Complainant

VS

MALCOLM WAYNE DICKMAN,

Respondent.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

CASE # 4357 $\frac{1}{2}$

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

1.

That he admits the allegations of Section 1 of the Complaint.

2.

He admits the allegations of Section 2 of the Complaint and says further that the parties to this cause were divorced on the 10th day of August, 1957, and by that decree the Respondent was given the care, custody and control of the minor children.

3.

For answer to Section 3 of the Complainant's Petition, the Respondent says that the Complainant was working at the time of the said divorce and was not without funds. He says further that he denies that he <sup>agreed to</sup> give the children to the Complainant for two to four years. Your Respondent avers that the children were given to him because the Complainant felt that they would have better training and environment in his custody than they would have in her custody. For further answer to Section 3, the Respondent says that he did allow the Petitioner to have the children during the times set out in her petition. That he felt that it was to the best interest of the children and to the Complainant that she have a right to visit with and have the children visit her. The Respondent denies that he agreed to pay any support money for the children during the time the Complainant had them.

4.

For answer to Section 4, the Respondent admits that there have been changes in conditions since the aforesaid decree, but denies all other allegations contained in this section. Your Respondent avers that it would be to the best interest of said minor children for the Custody to remain as fixed by this court's prior decree.

That since the time of said decree, the Respondent has married and provides a home for the children to live in where they have supervision of both the father and the step-mother. Your Respondent says that the Complainant is in no position or condition to give the minor children a normal home life, that she is working and will be away from them during work hours. That the minor children are all boys and of such an age that they need constant supervision by their father. The Respondent says further that this cannot be given these children by the Complainant's parents, that both are in their sixties, and that the Complainant's father has high blood pressure and cannot supervise these minor children's activities. For further answer to this section, the Respondent says that the father of the Complainant repeatedly belittles the speech of these minor children and criticizes them severely for saying "yes Sir and no Sir" to older people, and tells them that this is caused from their association with negroes.

5.

For answer to Section 5, your Respondent neither admits nor denies that the Petitioner is working and the amount she is earning. The Respondent further says that he is informed that the Complainant's parents do own a farm near Grand Rapids, Ohio, but denies the other allegations contained therein, except that the home in which the Complainant lives is a large and comfortable home. He says further, however, that this is not a suitable place to rear the said minor children, that the house in which the Complainant is living abuts on one of the most heavily traveled highways in the State of Ohio and says further that while his children were with the Complainant, one of the children worked every night until 11:00 o'clock, which, in the opinion of your Respondent, is injurious to his health.

The Respondent says that he feels that he provides proper training for his children, that he has a paper route for them, which is good training in finance and business relationships.

6.

The Respondent says that he is married to a woman who is younger than himself, and that they now have a child who is a girl. He says that they do live in a small house, but that it is adequate for the size family he has. That this home is located out in a rural area and there is plenty of



space for the children to play. The Respondent denies that his present wife makes the boys call her "Mamma", that this is voluntary, and the Respondent says further that he does take the children to Sunday School on Sunday.

7.

For answer to Section 7, the Respondent says the allegations of Section 7 are untrue.

For further answer to the Petitioner's Complaint as a whole, the Respondent says that the custody of the minor children involved here is a question which has arisen since the Complainant moved near her parents. That these minor children are boys who are now at an age where they need to be in a home which gives them constant guidance. That they have lived here in the South almost all of their lives, and have established habits, philosophies and ways of life which are contrary to those executed and taught in the home of the Complainant. To take these boys out of their present home and environment and send them to Ohio would cause them to have to re-establish and re-evaluate customs and beliefs now ingrained in them. The Respondent says further that the father of the Complainant continually ridicules and belittles the South and the Southern Way of Life to and in the presence of these minor children and that it is not to their best interest that they be forced into this type of environment.

WILTERS & BRANTLEY

BY:

Robert M Brantley

*Filed*

*10-8-60*

4387

FAYE IRENE DICKMAN,

Complainant

VS

MALCOIM WAYNE DICKMAN,

Respondent.

ANSWER

FILED

OCT 6 1960

ALICE J. DUCK, CLERK  
REGISTER

STATE OF ALABAMA, |  
COUNTY OF BALDWIN. |

TO ANY SHERIFF OF THE STATE OF ALABAMA--GREETINGS:

You are hereby commanded to summon MALCOLM WAYNE DICKMAN to appear and demur, plead to or answer, within thirty days from the service hereof, the Petition of FAYE IRENE DICKMAN filed in the Circuit Court of Baldwin County, Alabama, in Equity, against MALCOLM WAYNE DICKMAN.

A copy of the Petition is hereto attached.

Witness my hand this 5 day of August, 1960.

*Alfred J. Duck*  
REGISTER.

*Ed-8-9-60*  
\*\*\*\*\*

FAYE IRENE DICKMAN,  
Complainant,  
VS.  
MALCOLM WAYNE DICKMAN,  
Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NO. 4387 1/2

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

Your Petitioner, FAYE IRENE DICKMAN, respectfully represents and shows unto your Honor as follows:

1. That complainant, or Petitioner, is over the age of twenty-one years and is a non-resident of the State of Alabama, residing on River Road, Liberty Center, Ohio; that the respondent, MALCOLM WAYNE DICKMAN, is over the age of twenty-one years and is a resident of Baldwin County, Alabama, residing in Daphne, Alabama;
2. That your complainant was divorced from the respondent by <sup>at this Court</sup> Decree, dated September 25, 1958; that by the terms of said decree <sup>at this Court</sup> the respondent was given the care, custody and control of the three minor children born to their marriage, GARY WAYNE DICKMAN, RODNEY CLOYCE DICKMAN, AND DALE LEWIS DICKMAN, who were at that time of the age of ten years, nine years and five years, respectively, with reasonable rights of visitation in your complainant;
3. That at the time of your complainant's divorce from the said respondent, she had no job, she was upset over the break-up of her marriage, she was without funds (except such as would be provided by her

family), and, for those reasons, agreed for the respondent to have the care, custody and control of said children.

4. That conditions have changed since the aforesaid decree of divorce was entered as will be hereinafter set forth and that it would be to the best interests of said minor children if the aforesaid decree were changed to give custody and control of said minor children to your complainant during the School year, and to the respondent when school is not in session;

5. That your complainant is employed under civil service by the Highway Department of the State of Ohion, at a salary of \$276.00 per month; that complainant's parents own a 110-acre just three miles from Grand Rapids, Ohio; that complainant occupies a farm house just across the driveway from her parents, for which she pays her Father \$25.00 per month rent; that complainant's house has three rooms, a utility room and a bath downstairs, and two large bedrooms upstairs and a front porch; that when the boys are with complainant they enjoy the advantage and training of living on a farm;

6. That within five months of their divorce the respondent re-married a girl approximately eleven years younger than himself; that respondent and his present wife occupy a very small home in Daphne, Alabama; that respondent's present wife is expecting a baby this Fall; That, although your complainant's children love their Father and want to be with them, they are old enough to know what is best for them and they prefer to have the custody arrangements changed so that they can remain with your Petitioner during the school year and attend school and stay with their Father during the Summer;

7. That said minor children <sup>t</sup> stayed with your complainant in Ohio, with the consent of their Father, from September, 1958, to June, 1959; and they have been with your petitioner since May, 1960.

#### PRAYER FOR PROCESS

THE PREMISES CONSIDERED, Petitioner makes the said MALCOLM WAYNE DICKMAN A party respondent to this her Petition, and, in order that petitioner may have the relief hereinafter prayed for, may it please your Honor to cause the State's Writ of Subpoena to be issued, directed to the said MALCOLM WAYNE DICKMAN, commanding him to plead, answer or demur to this petition within the time required by law.

#### PRAYER FOR RELIEF

PETITIONER further prays that, on a hearing of this Petition,

your Honor will make and enter a decree granting to her the following separate and several relief:

1. Awarding her the care, custody and control of the three minor children, belonging to her and the respondent, GARY WAYNE DICKMAN, RODNEY CLOYCE DICKMAN, AND DALE LEWIS DICKMAN for nine months of the year, so that they may stay with her and attend school, and giving the care, custody and control of said children to the respondent, their Father, for three months of the year, during vacations;

2. Amending the decree heretofore granted in this cause, on September 25, 1958, in accordance with the above;

3. Fixing a reasonable sum, commensurate with his ability to pay, for the respondent to pay to your complainant monthly toward the support and maintenance of said three children, during the time said children are in her custody;

And, if petitioner be mistaken in the relief to which she is entitled in the premises, then she prays for such other, further, different or general relief as in equity and good conscience she may be entitled to receive, and, as in duty bound, she will every pray, etc.

FILED

AUG 5-60

WEL DUCK, CLERK REGISTER

J. Wainwright  
SOLICITOR FOR COMPLAINANT

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NO. 4387 1/2

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FAYE IRENE DICKMAN,  
Complainant,  
VS.  
MALCOLM WAYNE DICKMAN  
Respondent.

\*\*\*\*\*

BILL OF COMPLAINT

Respondent lives in Daphne  
Works in the Post Office

FILED  
AUG 5 1960  
ALICE L. DUCK, CLERK  
REGISTER

Received 5 day of Aug 1960  
and on 9 day of Aug 1960  
I served a copy of the within Bill of Complaint  
on Malcolm Wayne Dickman  
" " " "  
By service on \_\_\_\_\_

TAYLOR WILKINS, Sheriff  
By W. O. Garner D.

Thompson

Sheriff claims 70 miles at  
Ten Cents per mile Total \$ 7.00  
TAYLOR WILKINS, Sheriff  
BY Garner  
DEPUTY SHERIFF