

4715

DIVORCE DECREE

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

----- BASIL JURKIEWICZ -----, Complainant

vs.

----- FRANCES JURKIEWICZ -----, Respondent

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

----- BASIL JURKIEWICZ ----- is forever divorced from the said ----- FRANCES JURKIEWICZ ----- for and on account of

Habitual Drunkenness. The parties hereto have executed an agreed property settlement, a copy of which is in the file of this cause, and which has been examined by the Court. This agreement provides for the payment to the Respondent of the sum of \$5,000.00 in cash, or the delivery of U.S. Government Bonds, at the choice of the Complainant, and for the conveyance by the Complainant to the Respondent of the Cadillac automobile, the house trailer and the payment of 1/2 of the net income of the Complainant from the TV Sales and from the rental properties on Magnolia River, through the month of SEPTEMBER, 1960. IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that this agreement as to property settlement is hereby ratified and confirmed.

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 ----- Complainant, Basil Jurkiewicz -----

the ----- Complainant ----- pay the cost herein to be taxed, for which executed may issue.

This 26<sup>th</sup> day of September 1957

*J. Hubert McWall*

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 1959

ALICE J. DUCK, CLERK  
REGISTER

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 Basil Jurkiewicz and Dorothy Cometti

a witness in behalf of Basil Jurkiewicz  
Circuit Court in Baldwin County, of said State, wherein

in a cause pending in our  
Basil Jurkiewicz

, Complainant

and Frances Jurkiewicz

Respondent

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

Witness 25th day of September

, 1959

*Alice J. Sewer*  
Register.

Commissioner's Fee, \$

Witness' Fees, \$

No.

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THE STATE OF ALABAMA  
Baldwin County

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CIRCUIT COURT

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BASIL JURKIEWICZ

vs. Complainant

FRANCES JURKIEWICZ

Defendant

---

COMMISSION TO TAKE DEPOSITION

---

COMMISSIONER:

WITNESSES:

THE STATE OF ALABAMA  
BALDWIN COUNTY

Circuit Court of Baldwin County, Alabama  
(In Equity)

BASIL JURKIEWICZ COMPLAINANT

vs.

FRANCES JURKIEWICZ RESPONDENT

I, Frances G. Mallory

as Register and Commissioner in Chancery

have called and caused to come before me Basil Jurkiewicz and Dorothy Cometti

witnesses named in the requirement for Oral Examination, on the 25th day of September 19 59 , 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 Basil Jurkiewicz and Dorothy

Cometti

doth depose and say as follows:

TESTIMONY OF BASIL JURKIEWICZ:

My name is Basil Jurkiewicz. I am over the age of twenty-one years and a resident citizen of Baldwin County, Alabama, having been such a resident citizen for many years. Frances Jurkiewicz is over the age of twenty-one years and is also a resident citizen of Baldwin County, Alabama. We were married on the 26th day of October, 1933, It has now become necessary that we live separate and apart because of her excessive drinking. She has, since marriage, become addicted to habitual drunkenness, being drunk every day, and this habit continues to this date. We have entered into an agreement concerning payments to her of certain sums, and conveyance to her of certain personal property, which I believe to be fair and reasonable, and which I believe should be approved by the Court.

Signed: Basil Jurkiewicz

TESTIMONY OF DOROTHY COMETTI:

My name is Dorothy Cometti. I am over the age of twenty-one years and a resident of Baldwin County, Alabama. I am personally acquainted with Basil Jurkiewicz and Frances Jurkiewicz, who were married in October of 1933. Both are over the age of twenty-one years, and both bona fide resident citizens of Baldwin County, Alabama. Frances Jurkiewicz has, since marriage, become addicted to habitual drunkenness, which habit continues to this date.

Signed: Dorothy Cometti

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 25th day of September, 1959.

*Frances G. Mallory* (S.)

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

THE STATE OF ALABAMA  
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

BASIL JURKIEWICZ

COMPLAINANT

vs.

FRANCES JURKIEWICZ

RESPONDENT

ORAL DEPOSITION

Filed \_\_\_\_\_, 19

FILED

SEP 27 1959  
RECORDED IN  
CLERK  
M. J. DUBOIS, REGISTER  
Record

Vol. \_\_\_\_\_ Page \_\_\_\_\_

Register

BASIL JURKIEWICZ

vs.

FRANCES JURKIEWICZ

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 Basil Jurkiewicz and Dorothy Cometti

and in behalf of Defendant upon Answer and Waiver

Solicitor for Complainant

Register.

*me*

No. -----

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

**IN EQUITY**  
Circuit Court of Baldwin County

BASIL JURKIEWICZ

VS.

FRANCES JURKIEWICZ

**Note of Testimony**

Filed in Open Court this -----  
**FILED**  
day of -----, 19-----  
**SEP 24 1950**

**ALICE J. DUCK, CLERK**  
**REGISTER** Register.



BASIL JURKIEWICZ,  
Complainant,  
-vs-  
FRANCES JURKIEWICZ,  
Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

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

Comes your Complainant, Basil Jurkiewicz, and files this  
his Bill of Complaint for divorce against Frances Jurkiewicz,  
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 resident citizen for more than ten  
years. That Frances Jurkiewicz is over the age of twenty-one  
years, and is a resident citizen of Baldwin County, Alabama.

2. That the Complainant and Respondent were lawfully  
married on, to-wit, October 26, 1933.

3. Complainant further avers that the Respondent, has,  
since the date of their marriage, become addicted to habitual  
drunkenness, and that the addiction continues to this date.

PRAYER FOR PROCESS AND RELIEF

THE PREMISES CONSIDERED, your Complainant prays that Frances  
Jurkiewicz be made a party defendant of this cause by the usual  
process of this Honorable Court, requiring her 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 he be  
granted a divorce from the said Frances Jurkiewicz. Should your  
Complainant be mistaken in the relief prayed for that he be  
granted such other, further, different and general relief to which  
he may be entitled and as in duty bound he will ever pray.

  
Solicitor for Complainant

*Filed 9-25-39  
Alice J. Duck, Register*

BASIL JURKIEWICZ,  
Complainant,  
-vs-  
FRANCES JURKIEWICZ,  
Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

Comes the Respondent in the above styled cause and  
accepts service of a Bill of Complaint heretofore filed in  
said cause; waives notice of the filing of interrogatories  
in said 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 Bill of Complaint heretofore filed  
in this cause, Respondent says:

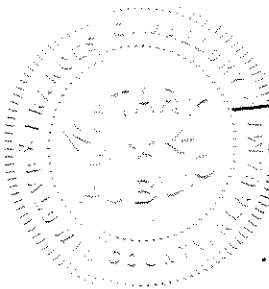
1. She admits the allegations contained in Paragraph 1  
of the Bill of Complaint.
2. She admits the allegations contained in Paragraph 2  
of said Bill of Complaint.
3. She denies each and every allegation contained in  
Paragraph 3 of said Bill of Complaint, and demands strict  
proof thereof.

*Frances Jurkiewicz*

Sworn to and subscribed before me on this the 25<sup>th</sup> day of  
September, 1959.

*James G. Mallory*  
Notary Public, Baldwin County  
State of Alabama

*Filed 9-25-59*



STATE OF ALABAMA

BALDWIN COUNTY

WHEREAS, the undersigned, Basil Jurkiewicz and Frances Jurkiewicz, who are, as of the date hereof, husband and wife, have concluded that they can no longer live together as such husband and wife, and the husband has persisted in his intention to file a proceeding of divorce against the said wife, and,

WHEREAS, they have concluded that an amicable settlement of their affairs is preferable to a Court determination, and,

WHEREAS, the said husband has agreed to turn over certain personal properties to the said wife, and to pay her certain sums as hereinafter provided, and,

WHEREAS, the said wife has agreed to accept such property and sums as hereinafter provided in full settlement of all of her claims or demands against and from the said husband, regardless of whether a divorce is obtained,

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained and the property to be conveyed and sums paid as hereinafter set out, it is agreed as follows:-

1. That the parties hereto shall live separate and apart and that neither shall harrass or in any way interfere with the other.
2. That the said Basil Jurkiewicz shall immediately convey to the said Frances Jurkiewicz their Cadillac automobile, and the trailer occupied by her, and shall, in addition thereto, pay to her the sum of Five Thousand Dollars (\$5,000.00) or turn over and deliver to her Government Bonds or securities of a value of Five Thousand Dollars (\$5,000.00), at his option, and in addition thereto, shall pay over to her one-half ( $\frac{1}{2}$ ) of his net profit from the sale of merchandise at the T V Shop, beginning as of the date he accepted or assumed employment thereat, being March or April of 1959, and shall pay over to her, monthly, one-half of his net profit from such sales, until the 30th day of September, 1960, and in addition thereto, shall pay over to her one-half ( $\frac{1}{2}$ ) of the net profit realized from the rental received from the Trailer Court and rental units and house on Magnolia River, from this date until September 30, 1960, after which date no further payments

will be made to her.

It is further agreed by and between the parties hereto that in the event a divorce is granted to either of them, that the foregoing provisions shall be binding on both, and that no other or further sums or amounts shall be paid by either to the other, and no other distribution of properties made.

WITNESS the hands and seals of the parties hereto on this the 25<sup>th</sup> day of September, 1959.

Basil Jurkiewicz SEAL

Frances Jurkiewicz SEAL

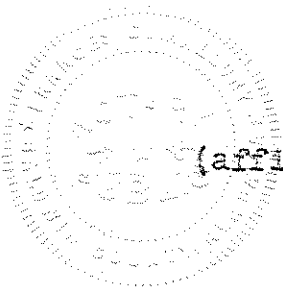
STATE OF ALABAMA

BALDWIN COUNTY

I, FRANCES G. MALLORY, a Notary Public in and for said County in said State, hereby certify that BASIL JURKIEWICZ, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this date that, being informed of the contents of the said instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and Notarial Seal hereto affixed by me on this the 25<sup>th</sup> day of September, 1959.

Frances G. Mallory  
Notary Public, Baldwin County  
State of Alabama



(affix Seal)

STATE OF ALABAMA

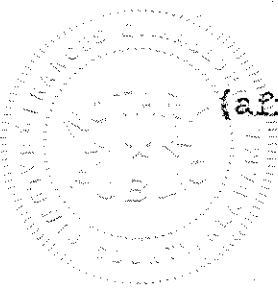
BALDWIN COUNTY

I, FRANCES G. MALLORY, a Notary Public in and for said County in said State, hereby certify that FRANCES JURKIEWICZ, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this date that, being

informed of the contents of the said instrument, she executed the same voluntarily on the day the same bears date.

Given under my hand and Notarial Seal hereto affixed by me on this the 25<sup>th</sup> day of September, 1959.

*James G. Mallow*  
Notary Public, Baldwin County  
State of Alabama



(affix Seal)

RECEIVED  
SEP 27 1959  
NOTARY PUBLIC  
BALDWIN COUNTY  
ALABAMA