

4767

ANNIE RUTH HOPPES,	Ø	IN THE CIRCUIT COURT OF
Complainant,	Ø	
vs.	Ø	BALDWIN COUNTY, ALABAMA
JOSEPH CECIL HOPPES,	Ø	IN EQUITY.
Respondent.	Ø	

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

Your Complainant, Annie Ruth Hoppes, respectfully
represents and shows unto the court and your Honor as follows:

1. Your Complainant and the Respondent are each over the age of twenty-one years and are residents of Baldwin County, Alabama, and have been bona fide resident citizens of said State and County for more than one year next preceding the filing of this Bill of Complaint.
2. The Complainant and the Respondent were lawfully married on or about, to-wit, July 2, 1946, at Foley, Alabama, and lived together as man and wife until on or about, the month of August, 1959.
3. There was born to the Complainant and the Respondent during this marriage, three children, Peggy Ann Hoppes, a daughter, 12 years of age; Shirley Mae Hoppes, a daughter, 9 years of age; and Gerald Hoppes, a son, 8 years of age, all of whom are now in the care, custody and control of your complainant, who is a fit and proper person to have the care, custody and control of said minor children.
4. Your Complainant avers and charges that the said Respondent did, during the month of August, 1959, assault, beat, hit and strike Complainant; that said Respondent has committed actual violence on her person attended with danger to her life or health; Complainant avers and charges that the Respondent has made numerous threats of doing her physical harm and from his manner and conduct toward her, she is reasonably convinced that he will commit an actual violence upon her person, attended with danger to her life or health.

5. Complainant avers that the Respondent is an able bodied man, who makes approximately \$100.00 each week and that he has real property in his own name in the State of Alabama, and also in the State of Ohio; that he has a 1959 Buick automobile and a one and one-half ton Chevrolet Truck, together with approximately \$6,000.00 in cash on deposit in the Farmers and Merchants Bank, Foley, Alabama; that Complainant has heretofore filed an action in the State of Ohio against the Respondent for alimony and support for her and the minor children of Complainant and Respondent and that she receives approximately \$150.00 each month for said alimony and support and maintenance.

6. Complainant avers that it has become necessary for her to employ a solicitor to represent her in this cause and that she is without funds to pay her solicitor for his services rendered and to be rendered in this cause.

PRAYER FOR PROCESS

The premises considered, your Complainant makes the said Joseph Cecil Hoppes a party respondent to this Bill of Complaint and in order that the Complainant may have the relief herein prayed for, she prays that the usual process of this Honorable Court issue to the Respondent, requiring him to appear and plead, answer or demur to this Bill of Complaint within the time prescribed by law, and under the rules and practices of this Honorable Court.

PRAYER FOR RELIEF:

Complainant respectfully prays for the following separate and several relief:

1. That the Court will order the Register of this Court to hold a reference and ascertain what amount, if any, the Respondent should pay to the Complainant for alimony and support and maintenance pedente lite, and what amount, if any, the Respondent should pay to the Complainant's solicitor for his services rendered in this cause pedente lite.

2. That upon a final hearing of this cause the Court will make and enter a proper order or decree giving and granting the Complainant the permanent custody and control of the said minor children.

3. That the Court will make and enter a proper decree divorcing the Complainant from the Respondent and will fix a reasonable monthly amount to be paid to the Complainant by the Respondent for the maintenance and support of the said minor children, and order the said Respondent to pay the Complainant either a monthly amount for alimony, or in the alternative, will order the said Respondent to pay to your Complainant a lump sum in full settlement of all alimony.

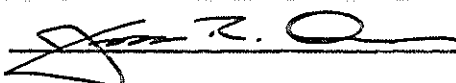
4. Complainant further prays for such other, further and general relief as she may be equitably entitled to, the premises considered.

Respectfully submitted,

FILED

NOV 17 1959

ANCE J. DUCK, Register



Solicitor for Complainant.

SUMMONS AND COMPLAINT

Moore Fig. Co.

The State of Alabama,
Baldwin County.

}

Circuit Court, Baldwin County

No. 4767

..... TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Comanded to Summon JOSEPH CECIL HOPPES

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against

JOSEPH CECIL HOPPES

....., Defendant

by ANNIE RUTH HOPPES

....., Plaintiff

Witness my hand this 17 day of November 1959.

Alice J. Duck

....., Clerk

25A

No. 4767 Page _____

The State of Alabama
Baldwin County

CIRCUIT COURT

ANNIE RUTH HOPPES

Plaintiffs

vs.

JOSEPH CECIL HOPPES

Bond

Defendants

Summons and Complaint

Filed November 17, 1959

Alice J. Duck Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

11/18 1959

, Sheriff

I have executed this summons

this Dec 4 1959

by leaving a copy with

Joseph Cecil Hoppes

Sheriff claims 86 miles at

Ten Cents per mile Total \$ 8.60

TAYLOR WILKINS Sheriff

BY [Signature]
DEPUTY SHERIFF

Taylor Wilkins Sheriff

Laurel [Signature] Deputy Sheriff

Bond

ANNIE RUTH HOPPES,	⌘	
Complainant,	⌘	IN THE CIRCUIT COURT OF
vs.	⌘	BALDWIN COUNTY, ALABAMA
JOSEPH CECIL HOPPES,	⌘	
Respondent.	⌘	IN EQUITY NO. 4767
	⌘	

DEMURRER

Comes the Respondent in the above styled cause and demurs to the several aspects of the Bill of Complaint as hereinafter set out, separately and severally, and assigns the following separate and several grounds, viz:

1. The Respondent demurs to that aspect of the Bill of Complaint set out in paragraph "4" in which it is alleged that the Respondent did, during the month of August, 1959, assault, beat, hit and strike the Complainant and assigns the following separate and several grounds, viz:

- a. That it is not sufficiently alleged on what date in August such act or acts occurred.
- b. That the time of such assault is not sufficiently set out.
- c. That the place where such assault occurred is not sufficiently set out.
- d. That the acts complained of should be more clearly set out.

2. The Respondent demurs to that aspect of the Bill of Complaint set out in paragraph "4" in which the Complainant alleges that the Respondent committed actual violence on the person of the Complainant attended with danger to her life or health, and assigns the following separate and several grounds, viz:

- a. That it is not alleged when the Respondent committed such actual violence.
- b. That it is not alleged whether the acts of violence complained of were committed in the month of August, 1959, or whether the Complainant is charging other acts of violence.
- c. That such allegations are but a conclusion of the pleader and do not state sufficient facts.

3. As to that aspect of the Bill of Complaint set out in paragraph "4" in which the Complainant avers that the Respondent has made numerous threats of doing her physical harm and that she is reasonably convinced that he will commit actual violence on her person, the Respondent demurs and assigns the following separate and several grounds, viz:

- a. That it is not alleged when such threats were made.
- b. It is not alleged what the Respondent threatened to do to the Complainant.
- c. That such allegation is vague and indefinite.
- d. That such allegation is not sufficient as to time, place, or specific charge as to what the Respondent said to the Complainant.

4. The Respondent demurs to that aspect of the Bill of Complaint in which it is averred that the Respondent makes approximately \$100.00 each week and assigns the following separate and several grounds, viz:

- a. It is now shown that the Respondent has continuous employment.
- b. It is not shown that the Respondent will earn that amount every week in the year.
- c. It is not shown what the net earnings of the Respondent are.

5. The Respondent demurs to the aspect of the Bill of Complaint set out in paragraph "5" in which the Complainant alleges that she has filed an action in the State of Ohio for alimony and support and that she is receiving approximately \$150.00 each month for such alimony and support, and assigns the following separate and several grounds, viz:

- a. That it affirmatively appears that the Complainant has heretofore invoked the jurisdiction of another court for the purpose of securing alimony for herself and support and maintenance for their minor children and is not, therefore, entitled to claim such in this court.
- b. That it would appear from such allegation that such proceeding is still pending in Ohio.
- c. That it would appear from such allegation that the

question of custody, maintenance and support of the minor children and the question of alimony for the Complainant has heretofore been adjudicated.

6. The Respondent demurs to that aspect of the Bill of Complaint set out in paragraph "6" and assigns the following separate and several grounds:

a. That it is not alleged that the Complainant is unable to pay her Solicitor for his services.

b. For aught that appears the Complainant has sufficient property with which she could pay her Solicitor for his services.

c. That it is not alleged that the Complainant does not have any real or personal property or income sufficient to pay her Solicitor.

FILED
DEC 15 1959
ALICE J. DUCK, Register

CHASON & STONE

By: _____


Solicitors for Respondent

ANNIE RUTH HOPPES,	⌘		
		IN THE CIRCUIT COURT OF	
Complainant,	⌘		
		BALDWIN COUNTY, ALABAMA	
vs.	⌘		
		IN EQUITY	NO. 4767
JOSEPH CECIL HOPPES,	⌘		
Respondent.	⌘		

Comes the Respondent in the above styled cause and demurs to the several aspects of the Bill of Complaint as last amended and assigns the following separate and several grounds, viz:

1. As to that aspect of the Bill of Complaint as set out in Paragraph 2 in which it is alleged that the Complainant and Respondent lived together until on or about in the month of August, 1959 the Respondent demurs and assigns the following grounds:

a. That it is not alleged when in the month of August the parties separated.

b. That it is not alleged that the parties have not lived together as man and wife since August, 1959.

c. That it is not alleged whether the Complainant left the Respondent or whether the Respondent left the Complainant.

2. As to that aspect of the Bill of Complaint as set out in Paragraph 4 as amended the Respondent demurs and assigns the following separate and several grounds:

a. That it is not alleged when the Respondent "has committed actual violence on her person attended with danger to her life or health".

b. That it is not alleged when the Respondent has "made numerous threats of doing her physical harm".

c. That it is not alleged when threats were made by the Respondent.

3. As to that aspect of the Bill of Complaint as last set out in Paragraph 5 which alleges that the Complainant has heretofore filed an action in the State of Ohio against the Respondent for alimony and support for her and the minor children of Complainant and Respondent and that she receives approximately \$150.00 each month for said alimony and support and maintenance, the Respondent demurs

and assigns the following separate and several grounds:

a. That it is not alleged whether the Complainant has sued for a divorce in Ohio.

b. That it is affirmative shown that the Complainant has invoked the jurisdiction of another court in regard to alimony for herself and custody and support of her minor children which proceeding was instituted prior to the filing of this proceeding in which the Complainant seeks the same relief.

c. That said allegation fails to sufficiently set out the nature of the other proceeding now pending in Ohio.

4. The Respondent demurs to that aspect of the Bill of Complaint as set out in Paragraph 6 and assigns the following separate and several grounds:

a. That such paragraph does not allege that she has employed a solicitor to represent her.

b. That the allegation that she is without funds to pay her solicitor does not allege that she is without sufficient property to pay her solicitor.

FILED

FEB 1 1960

ALICE J. DUCK, Register

CHASON & STONE


Solicitors for Respondent

ANNIE RUTH HOPPES,	⌘	
Complainant,	⌘	IN THE CIRCUIT COURT OF
vs.	⌘	BALDWIN COUNTY, ALABAMA
JOSEPH CECIL HOPPES,	⌘	IN EQUITY
Respondent.	⌘	NO. 4767
	⌘	

Comes the Respondent in the above styled cause and for answer to the Bill of Complaint filed in said cause and to each and every paragraph thereof, says:

1. Respondent admits the allegations of paragraph "1" of the Bill of Complaint.

2. The Respondent denies the allegations of paragraph "2" of the Bill of Complaint and demands strict proof thereof.

3. The Respondent denies the allegations of paragraph "3" of the Bill of Complaint and demands strict proof thereof.

4. The Respondent denies the allegations of amended paragraph "4" of the Bill of Complaint and demands strict proof thereof.

5. The Respondent denies the allegations of paragraph "5" of the Bill of Complaint and demands strict proof thereof.

6. The Respondent denies the allegations of paragraph "6" of the Bill of Complaint and demands strict proof thereof.

7. For further answer to the Bill of Complaint the Respondent says that he purchased a tract of land in Springfield, Ohio in his name and in the name of his wife and Respondent erected thereon five rent houses. That Complainant and her people who live in Springfield, Ohio, have been collecting the rents on such houses, which rents total about \$235.00 per month. In March of 1959 or April of 1959, the Complainant took their children out of school and carried them to Springfield, Ohio, where she remained until the early part of July, 1959. She returned to Baldwin County, Alabama, in the early part of July, 1959, and stayed here until about August 1, 1959, when the entire family went to Springfield, Ohio, for the purpose of repairing the rent houses. Such repairs were completed in about three weeks and the Complainant and Respondent together with their children were to return to Baldwin County on August 23, 1959, in order that the children might enter school here the next day. On Saturday, Aug-

ust 22, 1959, the Complainant had a very violent argument with the Respondent but no acts of violence were committed by him on the person of the Complainant and he did not threaten her with bodily harm. Early in the morning of August 23, 1959, the Respondent attempted to get the Complainant to return to Baldwin County with him and she refused to do so. They have not lived together as man and wife since that time. During the period of time since August 23, 1959, the Complainant has continued to collect all rents on the Ohio property and in addition thereto Respondent has been paying her the sum of \$25.00 per week for the support of the children during most of this period of time. The Respondent alleges that he is a fit and proper person to have the care, custody and control of his minor children and under the provisions of Title 34, Section 35 of the 1940 Code of Alabama he is entitled to have the custody of all children who are seven (7) years of age or older if he is a suitable person to have such charge. Respondent is ready, willing and able to care for and to maintain said children and to support them in his own home. The Complainant having voluntarily abandoned the Respondent, is not entitled to any support for herself. Her portion of the rents from Ohio will practically maintain her. One-half of such rents should be turned over to the Respondent in order to better enable him to support his minor children.


Respondent

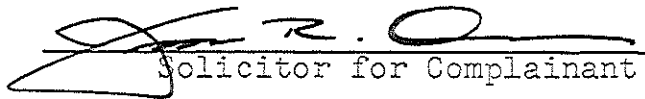
CHASON & STONE
Solicitors for Respondent

ANNIE RUTH HOPPEs,
Complainant,
vs.
JOSEPH CECIL HOPPEs,
Respondent.

¶
¶
¶
¶
¶

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY NO. 4767

Now comes the Complainant in the above styled cause and denies the allegations of paragraph numbered 7 of the Respondent's answer to the Bill of Complaint and demands strict proof thereof.


Solicitor for Complainant

ANNIE RUTH HOPPES,)	
)	IN THE
Complainant,)	CIRCUIT COURT OF BALDWIN COUNTY
)	
VS.)	ALABAMA. IN EQUITY.
)	
JOSEPH CECIL HOPPES,)	NO. 4767/
)	
Respondent.)	
)	
)	

This cause coming on to be heard was submitted upon the original bill of complaint, amended bill of complaint, answer and cross bill of the Respondent, and the testimony of the witnesses taken ore tenus. And the Court, after a full consideration of the pleadings and testimony of the witnesses is of the opinion that the Complainant is not entitled to the relief prayed for as to a divorce. It is, therefore,

ORDERED, ADJUDGED AND DECREED by the Court that the Complainant's bill of complaint insofar as it seeks a divorce is dismissed out of Court.

The Court is, however, of the opinion that the Complainant is entitled to the custody, care and control of the minor children, Peggy Ann Hoppes, Shirley Mae Hoppes and Gera ld Hoppes. It is, therefore

ORDERED, ADJUDGED AND DECREED by the Court that the Complainant, Annie Ruth Hoppes, be, and she is hereby awarded the care, custody and control of the children, Peggy Ann Hoppes, Shirley Mae Hoppes and Gerald Hoppes, subject to the right of visitation on the part of the Respondent, Joseph Cecil Hoppes, with the understanding that the Respondent, Joseph Cecil Hoppes, shall have the right to have said minor children visit with him at his home in Baldwin County, Alabama, the first

week-end in each month, beginning Friday afternoon at Four o'clock and ending Sunday afternoon at Six o'clock.

The Court is of the opinion that the Complainant is entitled to relief insofar as she prays for support and maintenance for herself and the minor children. It is, therefore, further

ORDERED, ADJUDGED AND DECREED by the Court that the Respondent pay to the Complainant the sum of ONE HUNDRED FIFTY (\$150.00) DOLLARS per month, payable on the first day of each month, for the maintenance and support of Complainant and the minor children, Peggy Ann Hoppes, Shirley Mae Hoppes and Gerald Hoppes, out of which the Complainant is to pay house rent on the house in which she lives.

It appearing to the Court that the Complainant is interested in properties in Springfield, Ohio, and is financially able to pay her Attorney's fee, it is, therefore,

ORDERED, ADJUDGED AND DECREED that the prayer of the Complainant insofar as she seeks Attorney's fee is denied. It is further

ORDERED, ADJUDGED AND DECREED that the Respondent, Joseph Cecil Hoppes, pay the cost herein taxed, for which execution may issue.

Dated at Bay Minette, Alabama, this 16th day of August, 1960.

Hubert M. Hall

Judge.

FILED
AUG 17 1960
ALICE I. DUCK, CLERK
REGISTER