

4778

CHARLIE KYLE,	⌘	
	⌘	IN THE CIRCUIT COURT OF
Complainant,	⌘	
	⌘	BALDWIN COUNTY, ALABAMA
vs.	⌘	
	⌘	
IDA KYLE,	⌘	IN EQUITY
	⌘	
Respondent.	⌘	

Comes the Respondent in the above styled cause and demurs to the several aspects of the Bill of Complaint filed in said cause as follows:

1. As to that aspect of the Bill of Complaint set out in paragraph "3" the Respondent assigns the following separate and several grounds, viz:
 - a. That the allegations of abandonment are not sufficient.
 - b. For aught that appears from the Bill of Complaint neither party left the dwelling in which they resided on September 20, 1958.
 - c. For aught that appears the Respondent had just cause and legal excuse for the abandonment.
2. The Respondent demurs to that aspect of the Bill of Complaint set out in paragraph "5" and assigns the following separate and several grounds, viz:
 - a. That there is no allegation that the parties are now the owners of the property described in such paragraph.
 - b. From aught that appears in the Bill of Complaint the Complainant and Respondent have sold the property described in such paragraph.
 - c. That such paragraph does not set out the respective interests of the parties.
 - d. That it is not alleged that said parties are now in possession of said property either personally or by agents.

CHASON & STONE

FILED

FEB 2 1960

ALICE J. DUCK, Register

By: _____

Solicitors for Respondent



requiring your Complainant to maintain himself in that said Respondent has performed no household chores, duties or services for your Complainant nor has she recognized him in a marital way.

-4-

There are no children as fruits of this marriage.

-5-

That during the time the Complainant and the Respondent were living together as husband and wife, they bought the following described real property situate in Baldwin County, Alabama:

From the Northeast corner of Section 20, Township 5 South, Range 2 East and running thence East 30 chains thence South Twenty-five feet for a point of beginning; thence South two Hundred Eighty-six feet; thence East One Hundred Twelve feet; thence North Two Hundred Eighty-six feet to a point on the South line of Daphne Avenue, and formerly known as the State Highway; thence West One Hundred Twelve feet along the South line of Daphne Avenue to the point of beginning; and being a part of that property conveyed to Lillie Hicks, now Lillie Hicks Mesley, by deed dated February 27, 1920, and recorded in Deed Book 34 N. S. page 616 of the Probate Records of Baldwin County.

That said property has two frame buildings erected thereon. The title to said property being jointly in the names of the Complainant and Respondent to this cause, said property being purchased and improved by the joint monies of the parties to this cause.

-6-

That said property cannot be equitably divided or partitioned without a sale of the same, and that it would be to the interest of all of said parties to sell the said property for the purpose of division and distribution.

-7-

That the Respondent is able-bodied and has been employed a number of years withholding her money, services and labor from your Complainant.

WHEREFORE, the premises considered, your Complainant prays that your Honor will by proper procedure make the said IDA KYLE, party Respondent to this bill of complaint requiring her 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.

Complainant further prays that Your Honor will make and enter a decree finding that your Complainant is the owner of an undivided

interest in and to said real property with the Respondent and is a tenant in common in said property.

Complainant further prays that this Honorable Court having decreed he is the owner of an undivided interest in and to said property, this Honorable Court will enter an order that said property be sold in the manner prescribed by law for a division between the said joint owners; that the Register of this Court be authorized and empowered to have a complete abstract of title, covering said property, made for examination by prospective purchasers, and that the cost of such abstract be taxed as a part of the costs of this proceeding; that this Court will make and enter a proper order or decree fixing the Solicitor's fee to be paid to your Complainant's Solicitor, making it a common charge against the proceeds of the sale of the said property.

Your Complainant further prays that upon a hearing hereof, your Honor will enter an order and decree granting to him an absolute decree of divorce, forever barring the bonds of matrimony existing between him and the Respondent. Your Complainant prays for such other, further, different or general relief as he may be in equity and good conscience entitled to receive.

THOMPSON & WHITE

By: Mary Thompson White
Solicitors for Complainant.

FILED

DEC 1 1959

ALICE J. DUCK, Register

Charlie Kyle
Complainant

4778

CHARLIE KYLE

COMPLAINANT

VS

IDA KYLE

Daphne, Ala
RESPONDENT

Received 1 day of Dec 1959
and on 7 day of Jan 1960
served a copy of the within
in Ida Kyle
by service on _____

TAYLOR WILKINS, Sheriff
By Stadham D.

* * * * *

BILL OF COMPLAINT

* * * * *

FILED

DEC 1 1959

ALICE J. DUCK, Register

Daphne,

Sheriff claims 54 miles at

Ten Cents per mile Total \$ 5.40

TAYLOR WILKINS, Sheriff

BY EA
DEPUTY SHERIFF

CHARLIE KYLE,

Complainant,

vs.

IDA KYLE,

Respondent.

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

ORDER

This matter coming on to be heard on a demurrer to the Bill of Complaint filed in said cause and the Court having considered the same is of the opinion that such demurrer should be sustained; it is, therefore

ORDERED, ADJUDGED and DECREED by the Court that the demurrer to the Bill of Complaint filed in said cause be, and the same hereby is, sustained.

Done this the 21 day of June, 1960.

FILED

JUL 8 1960

ALICE L. DUCK, CLERK REGISTER

Hubert M. Still

Judge

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CHARLIE KYLE,
Complainant,

vs.

IDA KYLE,
Respondent.

* * * * *

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

* * * * *

ORDER

* * * * *

FILED

JUL 8 1900

ALICE L. DUCK, CLERK
REGISTERED

CHARLIE KYLE,	⌘	
Complainant,	⌘	IN THE CIRCUIT COURT OF
vs.	⌘	BALDWIN COUNTY, ALABAMA
IDA KYLE,	⌘	
Respondent.	⌘	IN EQUITY
	⌘	

On June 21, 1960, the Court sustained a demurrer to the Bill of Complaint filed in said cause and allowed the Complainant twenty days in which to amend such Bill of Complaint. More than twenty days have now expired since such demurrer was sustained and the Complainant has not amended his Bill of Complaint although his Solicitor of Record has been notified to do so if he desired to amend such Bill of Complaint; it is, therefore

ORDERED, ADJUDGED and DECREED by the Court that this cause is now dismissed for want of prosecution.

Done this the 18th day of July, 1960.

FILED

JUL 19 1960

ALICE J. DUCK, CLERK
REGISTER

Robert W. Allen

Judge