

4017

DIVORCE DECREE

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

DORIS HITTMAN, Complainant

vs.

ERWIN D. HITTMAN, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Answer & Waiver of Respondent~~ Answer & Waiver of Respondent 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 Doris Hittman is forever divorced from the said Erwin D. Hittman for and on account of voluntary abandonment.

~~It is further ORDERED, ADJUDGED AND DECREED by the Court that Doris Hittman, the complainant in this cause, shall have the permanent care, custody and control of Robert Hittman and Steven Hittman, the minor children of said parties.~~

It is further 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 marry except to each other during the pendency of said appeal.

It is further 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 further ordered that Doris Hittman the complainant pay the cost herein to be taxed, for which executed may issue.

This 18th day of January, 1960

Hubert M. Hill

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____

FILED
JAN 18 1960

ALICE J. DUCK, Register

Register of Circuit Court, In Equity.

No. ----- Page -----

THE STATE OF ALABAMA
BALDWIN COUNTY

In Circuit Court, In Equity

DORIS HITTMAN,
Complainant

vs.

ERWIN D. HITTMAN,
Respondent

DIVORCE DECREE

WILLIAM L GREEN
LAWYER
P. O. BOX 1048
MOBILE, ALABAMA

February 6, 1960

Mrs. Alice J. Duck, Register
Circuit Court of Baldwin County
Bay Minette, Alabama

RE: Danya Jones Davison

VS: Howard Morris Davison

Dear Mrs. Duck:

I enclose an original Bill of Complaint in the above styled matter and ask that you file the same in your Court. I have received a deposit from the Complainant to secure the Court costs and I shall personally be responsible for same.

From my discussions with the parties to this cause and the parents of each of them, it is my understanding that the Respondent will execute an Answer and Waiver and file the same in your Court during the week of February 8th. Therefore, I am asking that service on the Respondent be withheld at this time. Also, I understand that the parties will agree on a commissioner to take testimony and I expect to submit the cause on the answer and waiver and testimony taken by commissioner.

I enclose a stamped, self-addressed envelope and respectfully request that you advise me of the number assigned to this cause.

Respectfully yours,


WILLIAM L GREEN

WILLIAM L GREEN

LAWYER

P. O. BOX 1048

MOBILE, ALABAMA

February 12, 1960

Hon. Alice J. Duck
Register, Circuit Court
Baldwin County, Alabama
Bay Minette, Alabama

RE: Danya Jones Davison

VS: Howard Morris Davison

Case # 4841

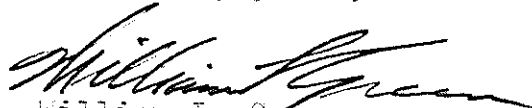
Dear Mrs. Duck:

I am enclosing the evidence taken and the commissioner's certificate along with an Order of Submission and Note of Evidence; the Decree and two (2) certified copies thereof; and, my check payable to the Court for costs. I am also enclosing a self addressed envelope for the copies of the Decree when issued and a postal card on which I ask that you advise me of the amount the cost check was made for.

Please advise me if any of the papers submitted are not regular according to the Rules of the Court and I shall amend accordingly.

I sincerely appreciate your cooperation.

Very truly yours,


William L. Green

Encl/ Evidence
Order of Submission and Note of Evidence
Decree
Two (2) certified copies of Decree
Check to Circuit Court, Baldwin County

WLG/cw

DORIS HITTMAN,)	IN THE CIRCUIT COURT OF
Complainant,)	
VS.)	BALDWIN COUNTY, ALABAMA
ERWIN D. HITTMAN,)	
Respondent.)	IN EQUITY.

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

Your complainant, Doris Hittman, respectfully represents and shows unto the Court and your Honor as follows:

1. The complainant is over the age of twenty-one years and is a resident of Baldwin County, Alabama.

The Respondent is over the age of twenty-one years and is a resident of the State of New York.

2. The complainant and the respondent were lawfully married on or about, to-wit, April 4, 1948, at New York City, New York.

3. Complainant avers that the said respondent voluntarily abandoned the bed and board of your complainant for more than one year next preceding the filing of this Bill of Complaint, since which time, complainant and respondent have not lived together nor in any way recognized each other as husband and wife.

4. There ~~were~~^{are} born to the complainant and respondent during this marriage, two children, namely, Robert Hittman, age 9 years, and Steven Hittman, age 7 years, sons, who 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.

The premises considered, your complainant makes the said Erwin D. Hittman party respondent to this bill of complaint and in order that complainant may have the relief herein prayed for, may it please the Court to cause the respondent 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 Court; that the Court will see to grant her an absolute divorce from the bonds of matrimony with the respondent, and granting both the complainant and the respondent the right to remarry, and that your Honor will grant your complainant

the care, custody and control of said minor children of the parties;
that your Honor will allow the respondent to see and visit said
minor children at all reasonable times; that your Honor will grant
such other further and different relief as unto your Honor may seem
just, fit and proper in the premises.

Doris Hittman

DORIS HITTMAN

James R. Owen,
Solicitor for Complainant.

FILED

JAN 18 1960

ALICE J. DUCK, Register

Doris Hittman
No. Vs.
Erwin D. Hittman

Complainant
Defendant

IN THE CIRCUIT COURT OF
^{Baldwin}
MOBILE COUNTY, ALABAMA
IN EQUITY

ANSWER AND WAIVER

Comes the defendant in the above entitled cause and for answer to the Bill of Complaint therein admits the allegations as to the ages, residences and marriage and denies each and every other allegation of said Bill of Complaint and demands strict proof thereof.

I agree that the testimony in this cause may be taken by deposition on oral examination, and waive notice of the time and place of the taking such testimony and agree that this cause may be submitted for final decree at any time. I waive all notices to which I may be entitled by law in this cause.

I further agree that Juanita Franklin, may take the testimony in this cause without the issuance of a commission.

Erwin D. Hittman
Erwin D. Defendant Hittman

Complainant agrees that Juanita Franklin, may take the testimony in this cause as commissioner, without issuance of a commission.

Doris Hittman
Doris Complainant Hittman

NOTE: The space below is intended for "Agreements Between the Parties".

It is agreed between the parties hereto that the minor children of the parties, to wit, Robert Hittman, age 9 years, and Steven Hittman, age 7 years, shall remain in the care and custody of the complainant, with rights in the respondent to see and visit said minor children at all reasonable times, which shall not be less than twice each month, and that said minor children may not be taken out of the state where they now reside without the consent of the respondent.

It is further agreed upon between the parties hereto that the respondent shall pay to the complainant the sum of \$30.00 per week for the support and maintenance of said minor children.

WITNESSES:

Nicholas Consolo
Walter Fratini

Doris Hittman
Doris Hittman

Erwin D. Hittman
Erwin D. Hittman

FILED

JAN 18 1960

ALICE J. DUCK, Register

STATE OF _____
COUNTY OF _____

I, _____, a NOTARY PUBLIC in and for said State and County, do hereby certify that _____, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me this day, that being informed of the contents of the instrument, _____ executed the same voluntarily on the day same bears date.

Witness my hand and seal this _____ day of _____, 19_____.

NOTARY PUBLIC

Filed _____
Register

STATE OF _____
COUNTY OF _____

No. _____

DORIS HITTMAN

Vs.

ERWIN D. HITTMAN

ANSWER AND WAIVER

Filed, _____, 19

FILED

JAN 18 1960

ALICE J. DUCK, Register

DORIS HITTMAN,)	IN THE CIRCUIT COURT OF
Complainant,)	BALDWIN COUNTY, ALABAMA
vs.)	
ERWIN HITTMAN,)	IN EQUITY. NO. 4817.
Respondent.)	

MOTION:

Now comes the Complainant in the above styled cause and shows unto the Court and your Honor as follows:

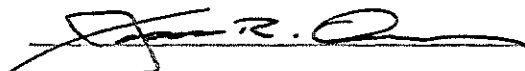
1. This court did, heretofore on, to-wit, January 18, 1960, enter a divorce decree in this cause divorcing Complainant and Respondent.
2. At the time complainant filed her bill of complaint in this cause on, to-wit, January 18, 1960, there was filed on behalf of respondent an answer and waiver and an agreement between the parties whereby the said respondent agreed to pay to complainant the sum of \$30.00 each week for the support and maintenance of said minor children.
3. Complainant further shows unto the Court that by the agreement between the parties that the respondent was to be given the right to visit the minor children of the parties hereto at all reasonable times and that said minor children could not be taken out of the State where they now reside without the consent of the respondent.
4. Complainant shows unto the court that through a mistake those parts of the agreement between the parties referred to in paragraphs 2 and 3 above was not shown in the final divorce decree.

WHEREFORE, Complainant moves the court to amend the said divorce decree heretofore rendered on January 18, 1960, *nu^c* pro tunc, to include therein the agreement between the parties heretofore filed in this cause on, to-wit, January 18, 1960.

FILED

FEB 10 1960

ALICE J. DUCK, Register


Solicitor for Complainant.

DORIS HITTMAN,)	IN THE CIRCUIT COURT OF
Complainant,)	BALDWIN COUNTY, ALABAMA
vs.)	
ERWIN D. HITTMAN,)	IN EQUITY. NO. 4817.
Respondent.)	

FINAL DECREE:

This cause coming on to be heard on motion of the Complainant to amend the divorce decree heretofore rendered in this cause on, to-wit, January 18, 1960, nuc pro tunc, and being considered by the Court the Court is of the opinion that the Complainant is entitled to have the said decree amended as prayed for by her in the said motion; it is, therefore, ORDERED, ADJUDGED AND DECREED by the Court as follows:

The divorce decree heretofore rendered in this cause on January 18, 1960, is hereby amended so that as amended, the said decree will read as follows:

"This cause coming on to be heard was submitted upon the Bill of Complaint, Answer and Waiver of Respondent, 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 Respondent be, and the same are hereby dissolved, and that the said Doris Hittman is forever divorced from the said Erwin D. Hittman, for and on account of voluntary abandonment.

It is further ORDERED, ADJUDGED AND DECREED by the Court that Doris Hittman, the Complainant in this cause, shall have the permanent care, custody and control of Robert Hittman and Steven Hittman, the minor children of said parties, with rights of the Respondent to see and visit said minor children at all reasonable times, which shall not be less than twice each month, and that said minor children may not be taken out of the State where they now reside without the consent of the Respondent.

It is further ORDERED, ADJUDGED AND DECREED by the Court that the Respondent pay to the Complainant the sum of \$30.00 each week for the support and maintenance of said minor children.

It is further 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 marry, except to each other, during the pendency of said appeal.

It is further ORDERED that the Complainant and Respondent be, and they are hereby permitted to again contract marriage upon payment of the costs of this suit.

It is further ORDERED that Doris Hittman, the Complainant, pay the costs herein to be taxed, for which execution may issue.

This 18th day of January, 1960.

/s/ Hubert M. Hall
Judge, Circuit Court, in Equity".

ORDERED, ADJUDGED AND DECREED on this the 10th day of February, 1960.

FILED

FEB 10 1960

ALICE J. DUCK, Register

Hubert M. Hall

Judge.

ORAL DEPOSITION

THE STATE OF ALABAMA,
BALDWIN COUNTY

Circuit Court of Baldwin County, Alabama
(In Equity)

DORIS HITTMAN, COMPLAINANT

vs.

ERWIN D. HITTMAN, RESPONDENT

I, Juanita Franklin

~~as Register and~~ Commissioner in the above styled cause

have called and caused to come before me Doris Hittman

witness _____ named in the requirement for Oral Examination, on the 18th day of January
19 60, at the office of James R. Owen
in Bay Minette, Alabama, and having first sworn said witness _____ to speak the
truth, the whole truth, and nothing but the truth, the said Doris Hittman

doth depose and say as follows:

My name is Doris Hittman and I am the complainant in the above styled cause.

The respondent and I were lawfully married on April 4, 1948, in New York City, New York.

The respondent voluntarily abandoned my bed and board for more than one year next preceding the filing of this bill of complaint and we have not lived together nor in anyway recognized each other as husband and wife since that time.

The respondent and I have two children, Robert Hittman, age 9 years and Steven Hittman, age 7 years, who are now in my care, custody and control and I am a fit and proper person to have the care, custody and control of said minor children.

Doris Hittman
DORIS HITTMAN

ORAL EXAMINATION

I, Juanita Franklin ~~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 _____ and read over to her and she signed the same in the presence of myself and _____
at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness _____ or had proof made before me of the identity of said witness _____; 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 18th day of January, 1960.

Juanita Franklin (L. S.)

No. 4817 Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

DORIS HITTMAN,
COMPLAINANT

vs.

ERWIN D. HITTMAN
RESPONDENT

ORAL DEPOSITION

Filed JAN 18 1960, 19____
FILED

ALICE J. DUCK, Register.
RECORDED IN

Record _____

Vol. _____ Page _____

Register.

DORIS HITTMAN,

Complainant,

vs.

ERWIN D. HITTMAN,

Respondent.

THE STATE OF ALABAMA

Baldwin County

IN EQUITY

Circuit Court of Baldwin County

This cause is submitted in behalf of Complainant upon the original Bill of Complaint, and
testimony of Doris Hittman

and in behalf of Defendant upon Answer and Waiver

James R. Owen,
Solicitor for Complainant.

Walter J. ...
Register.

No.

THE STATE OF ALABAMA

Baldwin County

IN EQUITY

Circuit Court of Baldwin County

DORIS HITTMAN

vs.

ERWIN D. HITTMAN

4817

NOTE OF TESTIMONY

Filed in Open Court this
day of , 194.....

FILED
JAN 18 1960
ALICE

Register.

Printed by the Baldwin Times

FILED

JAN 18 1960

ALICE J. DUCK, Register