

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

KARL KAINZ Complainant

VS.

DELLA KAINZ 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 KARL KAINZ

is forever divorced from the said DELLA KAINZ

for and on account of Abandonment

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 again 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 the payment of the cost of this suit.

It is further ordered that KARL KAINZ the Complainant pay the cost herein to be taxed, for which execution may issue.

This 4 day of February, 19 46

J. W. Harl

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

vs. Complainant

Respondent

DIVORCE DECREE

Filed this _____ day of

_____, 194____

Register

1352

(1353)

3581. NOTE OF TESTIMONY

Printed by The Baldwin Times, Bay Minette.

KARL KAINZ

COMPLAINANT

vs.

DELLA KAINZ

DEFENDANT

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, _____

 answer and waiver and the testimony of Karl Kainz and Mike Schnatz.

and in behalf of Defendant upon _____

BEERE & HALL
 Solicitors for Complainant.

[Signature]
 Register.

No. _____

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

vs.

NOTE OF TESTIMONY

Filed in Open Court this July 4

day of _____, 1946

R. Decker
Register.

Karl Kainz,)
Complainant,)
vs:)
Della Kainz,)
Respondent.)

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

NO. 1353

ANSWER OF RESPONDENT

Now comes the Respondent, Della Kainz and for answer to the Bill of Complaint filed in this cause against her by the Complainant, Karl Kainz, she denies each and every allegation of the said Bill of Complainant and demands strict proof thereof:

1. She admits the allegations of paragraph 1 of said Bill of Complaint, except she does not know whether or not complainant is a bona-fide resident of Baldwin County, Alabama now whether he has been a bona-fide resident thereof for 3 years next preceding the filing of the bill of complaint herein.

2. The allegations of paragraph 2 of said Bill of Complaint are admitted.

3. Respondent denies the allegations of paragraph 3 of the said Bill of Complaint.

For further answer to the bill of complaint filed herein, and for this, her cross-bill, the said Della Kainz, as Cross-Complainant, brings this her cross-bill against the said Karl Kainz, as cross-respondent, and respectfully alleges and represents unto your Honor and the Court as follows:

A. Paragraphs 1, 2 and 3 above are hereby referred to and made a part of this, her cross-bill, as if expressly here set out, the said paragraphs referred to being her above answer.

B. The said Karl Kainz is gainfully employed and has an estate in his own right. She, the said Della Kainz, is without sufficient means to support herself.

C. On, to-wit: June 2, 1936 respondent, cross-complainant, recovered in ^{the County Court,} a court of competent jurisdiction, in Allegheny County, Pennsylvania, an order of support in her favor and against complainant, cross-respondent, in the amount of \$3.00 per week, which order was complied with by cross-respondent until October 1, 1936, so that there is now due and owing from cross-respondent to cross-complainant the sum of \$3.00 for each and every week from October 1, 1936 to the date of the filing hereof which said amounts or the total sum thereof cross-complainant claims of cross-respondent and prays the court to give her a judgment against cross-respondent.

D. It was and is necessary that cross-complainant employ counsel or a solicitor to represent her and to protect her interests herein as well as other legal expenses to be incurred herein or hereby and that the said Karl Kainz should in good conscience pay the same as he is well able to do so and cross-complainant is not able to do so.

WHEREFORE, the premises considered, your cross-complainant, Della Kainz, prays that the said Karl Kainz be made cross-respondent, hereto in accordance with the rules of law and the practice of this Court.

Cross-complainant further prays the court for an order or orders of reference to the Register of this Court to ascertain and determine what would be reasonable temporary and permanent alimony, what would be a reasonable solicitor's fee and what amount is due cross-complainant by reason of said order of support.

Cross-complainant further prays that your Honor and the Court will order, adjudge and decree that she have and recover of the said Karl Kainz, cross-respondent, a suitable amount or amounts as alimony pendants lite, a suitable amount or amounts as a fee to be paid to her solicitor for his services herein, and a suitable or proper amount or amounts to be paid her as permanent alimony.

and will further order and decree that cross-complainant have and recover of cross-respondent all amounts due her from cross-respondent by reason of said order of support.

And she further prays for all such other orders, decrees and adjustments as she may be entitled to receive or be granted, the premises considered, she in duty bound she will ever pray, etc.

IN EQUITY
BARDWIN COUNTY, ALABAMA
IN THE CIRCUIT COURT OF

COMPLAINANT,
KATH KAINZ,

DEFENDANT,
KATH KAINZ,

H. E. Smith
Solicitor for the Cross-Complainant,
Della Kainz

CROSS-RESPONDENT,
GEORGE BIRFF

Handwritten notes and signatures on the right side of the page, including a date '30/1/20'.

1223

1553

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

KARL KAINZ,
COMPLAINANT,

VS:

DELLA KAINZ,
RESPONDENT.

ANSWER & CROSS-BILL

Filed August 3rd 1945
Richard
Reynolds

THE STATE OF ALABAMA,
BALDWIN COUNTY

Circuit Court

To EDNA RODGERS

KNOW YE: That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, at such time and place as you may appoint, to call

before you and examine KARL KAINZ and MIKE SCHNATZ

as witnesses in behalf of KARL KAINZ in a cause pending in our

Circuit Court in Baldwin County, of said State, wherein KARL KAINZ

Complainant

and DELLA KAINZ

Respondent

on oath, to be by you administered, upon KARL KAINZ and MIKE SCHNATZ

to take and certify the deposition of the witness and return the same to our Court, with all convenient speed, under your hand.

Witness 4 day of February, 1946

R. DeLoach

Register

Commissioner's Fee, \$ _____

Witness' Fees, \$ _____

No. _____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

vs. Complainant _____

Defendant _____

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

WITNESSES:

THE STATE OF ALABAMA,
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

KARL KAINZ

Complainant

VS.

DELLA KAINZ

Respondent

I, EDNA RODGERS

as Register and Commissioner

have called and caused to come before me KARL KAINZ

witness named in the Requirement for Oral Examination, on the 4 day of February 1946, at the office of BEEBE & HALL in Bay Minette, Alabama, and having first sworn said Witness to speak the truth, the whole truth, and nothing but the truth, the said KARL KAINZ doth depose and say as follows:

My name is Karl Kainz. I am a bona fide resident of Baldwin County, Alabama, and have been for more than 3 years next preceding the filing of this bill of complaint. I am over twenty-one years of age. The Respondent is over twenty-one years of age and a non resident of the State of Alabama, her address being 1613 Gironda Street, North Side, Pittsburgh, Penna. The Respondent and I married in Pittsburgh, Penna. on July 2, 1935. We lived together as husband and wife until in December, 1935. The Respondent in December, 1935, voluntarily abandoned my bed and board and has remained away voluntarily and continuously since that time. I have repeatedly tried to get the Respondent to come and live with me, however, she has continued to refuse. She absolutely refuses to live with me. I have done everything possible to get her to live with me but she continues to refuse. I live at Lillian, in Baldwin County, Alabama, where I have a small home suitable and proper for her to live in.

Karl Kainz

Mike Schnatz, a witness for the Complainant being duly sworn deposes and says:

My name is Mike Schnatz. I live at Lillian, in Baldwin County, Alabama. I know and have known for the past 8 years, the Complainant, Karl Kainz, who also lives at Lillian. I know that during this time, the Respondent has not lived with him as his wife, in fact she hasn't visited him at his home at Lillian, at all.

Mike Schnatz

ORAL EXAMINATION.

I, Edna Rodgers, as ~~Register~~ Commissioner hereby certify that the foregoing deposition—on Oral Examination was taken down by me in writing in the words of the witness—and read over to him and he signed the same in the presence of myself and H. M. Hall and H. E. Smith at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness—or had proom 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 4 day of February, 1946.

(L. S.)

NO. _____ PAGE _____

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

vs. _____
Complainant

Respondent.

Oral Deposition

Filed Feb 4, 1946

[Signature]
Recorded in _____, Register.

Record _____

Page _____

Vol. _____, Register.

KARL KAINZ

COMPLAINANT

VS

DELLA KAINZ

RESPONDENT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

And now comes the Respondent by and through H. E. Smith,
her Solicitor of record and waives notice of the time of tak-
ing testimony on behalf of the Complainant and of the sub-
mission of said cause for final decree, ~~the right to cross ex-
amine the Complainant's witnesses.~~

H. E. Smith
Solicitor for Della King.

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Karl Kainz,)	
Complainant,	:	IN THE CIRCUIT COURT OF BALDWIN
)	COUNTY, ALABAMA. IN EQUITY.
vs:	:	
)	
Della Kainz,	:	NO. 1353
Respondent.)	

ANSWER OF RESPONDENT

Now comes the Respondent, Della Kainz and for answer to the Bill of Complaint filed in this cause against her by the Complainant, Karl Kainz, she denies each and every allegation of the said Bill of Complainant and demands strict proof thereof:

1. She admits the allegations of paragraph 1 of said Bill of Complaint, except she does not know whether or not complainant is a bona-fide resident of Baldwin County, Alabama now whether he has been a bona-fide resident thereof for 3 years next preceding the filing of the bill of complaint herein.

2. The allegations of paragraph 2 of said Bill of Complaint are admitted.

3. Respondent denies the allegations of paragraph 3 of the said Bill of Complaint.

For further answer to the bill of complaint filed herein, and for this, her cross-bill, the said Della Kainz, as Cross-Complainant, brings this her cross-bill against the said Karl Kainz, as cross-respondent, and respectfully alleges and represents unto your Honor and the Court as follows:

A. Paragraphs 1, 2 and 3 above are hereby referred to and made a part of this, her cross-bill, as if expressly here set out, the said paragraphs referred to being her above answer.

B. The said Karl Kainz is gainfully employed and has an estate in his own right. She, the said Della Kainz, is without sufficient means to support herself.

C. On, to-wit: June 2, 1936 respondent, cross-complainant, recovered in ^{the County Court} a court of competent jurisdiction, in Allegheny County, Pennsylvania, an order of support in her favor and against complainant, cross-respondent, in the amount of \$3.00 per week, which order was complied with by cross-respondent until October 1, 1936, so that there is now due and owing from cross-respondent to cross-complainant the sum of \$3.00 for each and every week from October 1, 1936 to the date of the filing hereof which said amounts or the total sum thereof cross-complainant claims of cross-respondent and prays the court to give her a judgment against cross-respondent.

D. It was and is necessary that cross-complainant employ counsel or a solicitor to represent her and to protect her interests herein as well as other legal expenses to be incurred herein or hereby and that the said Karl Kainz should in good conscience pay the same as he is well able to do so and cross-complainant is not able to do so.

WHEREFORE, the premises considered, your cross-complainant, Della Kainz, prays that the said Karl Kainz be made cross-respondent, hereto in accordance with the rules of law and the practice of this Court.

Cross-complainant further prays the court for an order or orders of reference to the Register of this Court to ascertain and determine what would be reasonable temporary and permanent alimony, what would be a reasonable solicitor's fee and what amount is due cross-complainant by reason of said order of support.

Cross-complainant further prays that your Honor and the Court will order, adjudge and decree that she have and recover of the said Karl Kainz, cross-respondent, a suitable amount or amounts as alimony pendens lite, a suitable amount or amounts as a fee to be paid to her solicitor for his services herein, and a suitable or proper amount or amounts to be paid her as permanent alimony,

and will further order and decree that cross-complainant have and recover of cross-respondent all amounts due her from cross-respondent by reason of said order of support.

And she further prays for all such other orders, decrees and adjustments as she may be entitled to receive or be granted, the premises considered, as in duty bound she will ever pray, etc.

H. E. Smith

Solicitor for the Cross-Complainant,
Della Kainz

1323

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

KARL KAINZ,
COMPLAINANT,

vs:

DELLA KAINZ,
RESPONDENT.

ANSWER & CROSS-BILL

Filed August 3, 1945
R. J. [Signature]
Registrar

STATE OF ALABAMA,
BALDWIN COUNTY.

TO ANY SHERIFF OF THE STATE OF ALABAMA - GREETINGS:

WE COMMAND YOU that you summon DELIA KAINZ, to be and appear before the Judge of the Circuit Court of Baldwin County, Alabama, exercising Chancery Jurisdiction, within thirty days after the service of summons, and there to plead, answer or demur, without oath, to a bill of complaint lately exhibited by KARL KAINZ, against the said Della Kainz, and further to do and perform what the said Judge shall order and direct in that behalf, and this the Respondent shall in no wise omit under penalty of the law. And we further command that you return this writ with your execution thereon, to our said Court immediately upon the execution thereof.

WITNESS, R. S. DUCK, Register of said Court, this the 18 day of June, 1945.


Register

KARL KAINZ,
COMPLAINANT,
VS.
DELLA KAINZ,
RESPONDENT.

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

TO HONORABLE F. W. HARE, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY:

Now comes your Complainant, Karl Kainz, and humbly complaining against the Respondent, Della Kainz, respectfully represents and shows unto your Honor and this Honorable Court as follows:

1.

That your Complainant is a bona fide resident of Baldwin County, Alabama, and has been for more than 3 years next preceding the filing of this bill of complaint, and is over twenty-one years of age; that the Respondent is over twenty-one years of age, and a non resident of the State of Alabama, her address being 1613 Gironda Street, North Side, Pittsburgh 12, Pa;

2.

That your Complainant and the Respondent married in Pittsburgh, Pa., on July 2, 1935, and lived together as husband and wife until in December, 1935;

3.

That in December, 1935, the Respondent voluntarily abandoned the bed and board of your Complainant and has remained away voluntarily and continuously since that time.

WHEREFORE, the premises considered, your Complainant prays that your Honor will by proper process, make the said Della Kainz party Respondent to this cause of action, 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 upon a final hearing hereof, your Honor will enter an order and decree, granting to him and absolute decree of divorce, forever barring the onds of matrimony existing between him and the Respondent; that your Honor will give and grant to him such other, further, different, or general relief as he may be in equity and good conscience entitled to receive, and as in duty bound, he will ever pray.

BEEBE & HALL

By:

J. Justice

Solicitors for the Complainant.

1353

KARL KAINZ,
COMPLAINANT,

VS.

DELLA KAINZ,
RESPONDENT.

SUMMONS AND COMPLAINT.

Filed June 18/45
R. J. [unclear]
R. J. [unclear]